Records of Fort St. George

PROCEEDINGS OF THE MAYOR'S COURT

1727

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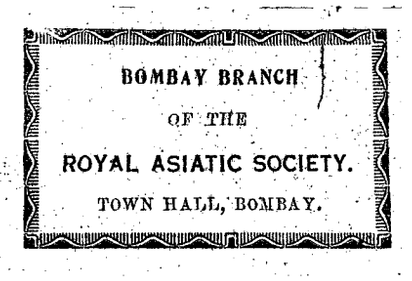

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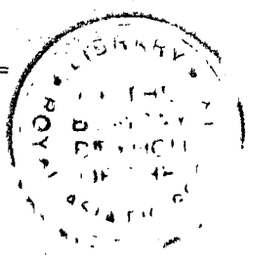

MADRAS
PRINTED BY THE SUPERINTENDENT, GOVERNMENT PRESS

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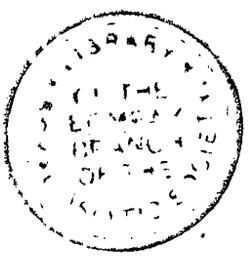
PREFATORY NOTE.

This Volume belongs to the Series of records known as Proceedings of the Madras Mayor's Court in the India Office. This has been lent by the kind Courtesy of the India Office for completing the reprinting of the corresponding Series, in the Madras Record Office, known as the Pleadings in the Mayor's Court. The Volume covers the period 17th August to 29th December 1727.

CHITTOOR,
25th November 1942.

B. S. BALIGA.
Curator, Madras Record Office.



RECORDS OF FORT ST. GEORGE.

MAYOR'S COURT PROCEEDINGS.

AUGUST—DECEMBER, 1727.

FORT ST. GEORGE, AND CITY OF MADRASPATNAM.

A record of the Proceedings of the Honourable the Mayors Court at Madraspatnam Begun, and kept by me John Straton Register of the said Court, this 17 day of August Anno Domini, 1727.

This morning according to summons appeared at y^e^. Town Hall the Principall Inhabitants of the Place where Francis Rous Esq^r^. the Mayor for the time being with the Aldermen, and officers of the Court Proceeded to the Compnys Garden On Horseback to receive from the President, and Councill the Royall Charter granted the United East India Company by his MOST SACRED MAJESTY KING GEORGE for Fort S^t^. George Madraspatnam, and were received there by the Honourable James Macrae Esq^r^. President, and Governour &c^a^. Councill of this Place who Demanded the old Charter of Francis Rous Esq^r^. which he delivered up, The President returned him thanks (and likewise in the name of y^e^. Councill) for his carefull and faithfull discharge of the trust that had been reposed in him; but as Richards Higginson Esq^r^. the nominated Mayor in the new Charter being Dead; The President, and Councill (by Virtue of a Power given them in the Royall Charter) conferred that Honor on John Powney Esq^r^. a man well known in the place for his Candour, and Abilitys. The President Administred the Oath of Allegiance, and Oath of office to him as also the oath of Allegiance, and Oath of Office, To Abraham Wessell, Francis Rous, Lewis de Maderas, Thomas Weston, William Monson, and Edward Brackstone, being all the Aldermen that could attend on this occasion after severall compliments had passed, The Mayor & Aldermen returned to y^e^. Town Hall, and took their seats upon the Bench accordingly but it being Late the Charter was deferr'd reading till next Court day, and then y^e^. Court adjourned to the 22^d^. Instant.

AT A COURT HELD AT THE TOWN HALL ON
TUESDAY THE 22^D^. INST^.

Present.

JOHN POWNEY ESQ^R^. Mayor.

ABRAHAM WESSELL. THOMAS WESTON,
FRANCIS ROUS. WILLIAM MONSON.
LEWIS D MADERA.

Aldermen.

TUESDAY

Agreable to y^e^. resolution of Last Court day the Inhabitants of this Place being duly summoned, The Royall Charter granted y^e^. United East India Comp^a^. by his MOST SACRED MAJESTY KING GEORGE for Fort S^t^. George Madraspatnam was this morning Publickly read.

The Mayor administred the oath of Allegiance, and Oath of Office to the following Persons.—

Mr. Charles Gey
Mr. Ralph Mansell } Attorneys.

Thomas Pelling
William Hathaway } Baiylitts (sic) and Court Serjtts.

Ordered that all causes under Tryall by Virtue of the former Charter, and not determined to be Entered afresh.

AT A COURT HELD AT THE TOWN HALL ON FRYDAY THE 25 AUGUST 1727.

Present.

FRYDAY

JOHN POWNEY ESQR. Mayor.

ABRAHAM WESSEL, THOMAS WESTON, AND
FRANCIS ROUS, WILLIAM MONSON,

Aldermen.

The President, and Councill of this Place, Recommends Mr. John Straton to this Honble. Court for ye. Registers Place that is now Vacant, which they readily approved of, and ordered that the Oath of Allegiance, and Oath [of] Office be administered to him.

THE MAYOR administered the Oath of Allegiance, and Oath of Office to John Straton.

ORDERED THAT Mr. Wessell do deliver up to the Register all Papers, and accounts, whatsoever belonging to this Honble. Court.

REGISTER Sworn Examiner.

AT A COURT HELD AT THE TOWN HALL ON TUESDAY THE 29TH. OF AUGUST 1727.

TUESDAY

Present

JOHN POWNEY ESQR. Mayor.

ABRAHAM WESSELL, EDWARD BRACKSTONE
FRANCIS ROUS, AND

Aldermen.

This Day Mrs. Rebeca Fullagar Exhibited to this Honble. Court ye. last Will, and Testament of John Fullagar Deceas'd, the Witness to ye. same Messrs. Andrew Petcher, and David Murray being sworn did upon their Oaths Declare they saw ye. Testator John Fullagar, Sign, Seal, Publish, and Declare that to be his Last Will, and Testament, and yt. he was then to all outward appearance of perfect mind, and memory, and they add further that they signed ye. same as witnesses in the presence of the Testator, and each other. Mrs. Rebeca Fullagar alledges that the Will thus Exhibited to be ye. last Will of John Fullagar Deceas'd, and herself to be ye. sole Executrix so appointed.

The Register Administers ye. Oath of an Executrix to Mrs. Rebecca Fullagar, upon which the Court, Ordered a Probat to pass their Seal.

Petition of John Roach Read, and Filed representing that George Tullie Merchant Late of this Place Died Indebted to your Orator's constituent, Joshua

Draper late of Fort S^{t}. George, the sum of Fourteen thousand Six hundred Pag^{s}. or thereab^{ts}. Currant of Madrasspatnam, That the Trustees, or Executors of the said George Tullie Deceased have already made two Dividends of the Produce of part of y^{e}. said George Tullies Estate whereout your Orator Acco^{t}. his constituent should have Receiv'd the sum of sixteen hundred Thirty five Pag^{s}. Seventeen fan^{s}., and Thirty nine cash, being the Amount of the two Dividends, which your Orator hath in behalf of the said Joshua Draper demanded payment of from John Emmerson, William Leeke, and John Lauder, Executors of the said George Tullie Deceas'd, but hitherto without Effect they having stopp'd and refused Paying the same Unless your Orator will give them an obligation to oblige himself his heirs Executors, and Administrators, to refund the said Dividend, or part thereof, if hereafter other Creditors should appear; by way of Indemnification to them for y^{e}. Payment thereof. They also Evade y^{e}. Payment upon Acco^{t}. of a Debt of seven Thousand Pag^{s}. or thereab^{ts}. due from y^{e}. Testator George Tullie to y^{e}. Executors of Francis Hastings Esq^{r}. Late Governour of Fort S^{t}. George, as will appear by a Bond under his hand, and seal given the Rever^{d}. M^{r}. Thomas Wendy the remaining Executor in this Place, whereby he obliges himself his heirs, and Executors to refund y^{e}. said sum, In case the Commission drawn by the said George Tullie in his Life time as one of y^{e}. Executors of Francis Hastings Esq^{r}. should be hereafter disputed, or Disallow'd on which Acco^{t}. the remaining Executor of Francis Hastings Esq^{r}. hath serv'd them the said George Tullies Executors, with a Caveat, or Caution how they make any paym^{ts}. out of the said Estate, which may any ways Impair the security given by the said George Tullie to the said Francis Hasting's Executor as aforesaid, and further by reason of an Error in the said George Tullies Books wherein he hath given the said Joshua Draper Creditt for no more than the sum of nine Thousand Pag^{s}. or thereab^{ts}. tho' it may be Evidently made appear that the said Joshua Draper at his Departure hence for Europe left with the s^{d}. George Tullie y^{e}. sum of Fourteen Thousand six hundred Pagodas, And upwards therefore humbly Prays a Generall Relief touching y^{e}. Premises.

Ordered that Mess^{rs}. John Emmerson, William Lecke, and John Lauder be summoned to answer the Bill of Complaint the next Court Day.

Petition of Domingos Alvez, Read, and Filed, representing that on, or about the month of Aprill in the Year 1726 Tagapa Chittee now being, and residing in Madrass did wrongfully Imprison your Orator at Junkceylone for the space of Fifteen days, and upwards insulting him in a Barbarous, and Inhumane manner, and that on the 19 following he put your Orator in the Gongo of Bamboes where he continued in great Torture for the space of Fifteen hours by w^{ch}. means he Extorted from your Orator sundry merchandizes, and Effects as also defrauded him of his Wages amounting in the whole to nine hundred and two Pag^{s}. Thirteen fan^{s}. and nineteen cash, and that he is now reduc'd to so great Indigency, and want, that he is afraid of being Cast into Prison by his Creditors who Press him daily to discharge his just debts, which your Orator is unable to comply with, by reason of his hav^{g}. been Plundered, and defrauded by y^{e}. Defendant unless aided, assisted, and Righted by the Justice of this Hon^{ble}. Court; also Prays a Generall Relief touching the Premises.

Ordered that Tagapa Chittee be summon'd to answer the Bill of Complaint the next Court Day.

The Register produces to this Hon^{ble}. Court a List of Fees due to y^{e}. severall officers, which are read, and approved off, and ordered that the same be Laid before the President, & Councill for their approvall.

Ordered, that the Register, and Attorneys to goe to Triplicane Pagoda, and swear Paupa Braminy Interpreter of this Court in the most solemn manner, his Religion Possibly allows of.

AT A COURT HELD AT THE TOWN HALL ON FRYDAY THE 1ST. OF SEPTEMBER 1727.

Present.

FRYDAY

JOHN POWNEY ESQR. Mayor.

ABRAHAM WESSELL, FRANCIS ROUS, WILLIAM MONSON, AND EDWARD BRACKSTONE,

Aldermen.

Petition of Richard English &ca., Respondentia Creditors, of Capt. James Hurdis Deceas'd, read, and Filed, shewing yt. Capt. James Hurdis took up at respondentia of your Petitioner's Constituents in Bengall ye. sum of seven Thousand Currant Rupees, or thereabts. which was to run at respondentia upon ship Charles to Bussora, and back again to this Port of Madrass paye. twenty one days after her arrivall here. the time of paymt. being now Expired, and Capt. James Hurdis who they Lent their money to Dying in the Voyage. The care of his Effect devolv'd upon Messrs. Jonathan Windar the Supra Cargoe of said ship, and Mr. Joseph Badman the succeeding officer, but they refuses to comply with ye. Tenour of your Orators Bonds. it being reported that Capt. James Hurdis has left a Will behind him wherein his Wife to [*sic*] left sole Executrix. and alledges that they are Accountable to none but her. Therefore, your Orators Prays (as they are not willing to run any further Risque) that the abovenam'd Gent. may be summon'd to appear at Court, also prays a Generall Relief touching the Premises.

ORDERED that Messrs. Jonathan Windar, and Joseph Badman be summoned to Answer ye. Bill of Complaint the next Court day.

Petition of John Roach Read a 2d. Time.

The Defendants John Emmerson William Lecke, and John Lauder appears according to summons.

BETWEEN

John Roach of Fort St. George Mercht. Complaint.

AND

JOHN EMMERSON, William Lecke, and John Lauder of the same Place Merchants Defendants.

Day is given unto the Defendants, untill the next Court day to answer the Complainants Bills.

Petition of Thomas Wendey Exhibited, and read shewing that yor. Orator having a Demand on ye. Estate of George Tullie late of Madrass Merchant for ye. Principall sum of seven Thousand Pags., which your Orator paid in his own wrong did on or abot. the Eight day of June in the Year 1725. Present a caveat to ye. Executors of ye. said George Tullie, advising, and Cautioning them not to make any payments from out ye. said Estate, which might anys ways [*sic*] Impair, or Infringe ye. security given to yor. said Orator, since which your Orator hath Demanded ye. above sum with Interest due thereon of ye. said George Tullies Executors,, but without Effect, Therefore Prays a Genll. Relief touching ye. Premises.

CAVEAT of Thomas Wendey Read.

ORDERED that John Emmerson, William Lecke, and John Lauder Defendant be summon'd to answer ye. Bill of Complaint the next Court day.

Mr. Thomas Wendey withdraws, his Bill of complaint against John Emmerson, William Lecke, and John Lauder, Executors to George Tullie Deceased.

Petition of Charles Boddam Exhibited, and Read, shewing that your Orator did in the Year 1725 Lend to George Petty Late of Madrass Merchant ye. Principall sum of six hundred Pounds sterling for which he deposited in your Orators hand, as Security for the aforesaid sum, a Large Diamond, and drew Bills of Exchange for ye. same paye. to your Orator, which Bills not meeting with due honor were Protested, and remitted according to Form by your Orator. The Drawer Mr. George Petty being since Dead your Orator hath applied himself to his Trustees now residing in Madrass, but without Effect, Therefore Prays to be Relieved touching ye. Premises.

ORDERED that Rauson Hart, and Lewis Gray Defendants be summoned to Answer the Bill of Complaint ye. next Court day.

Petition of Domingos Alvez, Read a 2d. Time.

The Defendant Tagapa Chittee appears according to summons.

BETWEEN

Domingos Alvez of Fort St. George
Mariner Complaint.

and

TAGAPA CHITTEE of ye. same Place
Merchant Defendant.

Dya is given unto ye. Defendt. untill ye. next Court day to Answer ye. Complainants Bill.

Petition of William Hathaway Exhibited, and read shewing that Isabella Murray Widow now being, and residing in Madraspatnam is Indebted your Orator upon Bond in the Principall sum of Thirty Pags. with ye. Interest thereon wch. he hath severall times Demanded but to no purpose. Therefore Prays to be relieved touching the Premises.

ORDERED that Isabella Murray Defendt. be summon'd to Answer ye. Bill of Complaint the next Court Day.

Petition of Rauson Hart Exhibited, and Read, shewing that your Orator being appointed one of the Trustees to the last Will, and Testament of George Petty Deceas'd Late Supra Cargoe of ye. Deane Frigat, desires to know the oppinion [*sic*] of this Honble Court if he can resign the same, it being a hindrance to his own private Affairs.

The Honble. Court, are of opinion that as he has already acted by paying away money, and receiving he cannot now resign his Trust as a Trustee.

Petition with Drawn.

AT A COURT HELD AT THE TOWN HALL ON SATURDAY THE 2D. OF SEPTEMBER 1727.

Present

SATURDAY

JOHN POWNEY ESQR. Mayor.

ABRAHAM WESSELL, AND FRANCIS ROUS

Aldermen.

Petition of Richard English &ca. Respondentia Creditors read a 2d. time.

Messrs. Jonathan Windar, and Joseph Badman appears according to Summons.

The Honble Court acquaints them they were summon'd here, to answer a Bill of Complaint, Filed by the respondt. Creditors of Capt. James Hurdis Deceas'd, therefore desires to know what Effects the Deceas'd has on Board ship Charles; Reply'd there was an Escrutore, and a Chest of Treasure, which

they would deliver up to the Court, if they ordered them upon which the Honble Court ORDERED that the Register do Issue out an order to Messrs. Jonathan Windar, and Joseph Badman, to bring, or cause to be brought ashore the Escrutore containing the Writings Papers &ca. belonging to Capt. James Hurdis.

AT A COURT HELD AT THE TOWN HALL ON MONDAY THE 4TH. OF SEPTEMBER 1727.

Present

MONDAY

JOHN POWNEY ESQR. Mayor.

ABRAHAM WESELL, FRANCIS ROUS, THOMAS WESTON, WILLIAM MONSON, AND EDWARD BRACKSTONE

Aldermen.

Messrs. Jonathan Windar, and Joseph Badman complys with the order of Court, and the Escrutore is brought to the Town Hall.

Petition of Richard English &ca. Respondt. Creditors Read a 3d. time.

The Honble Court Orders the Register to break open the seals of the Escrutore, and to Search if he can find any Will, or Writing, which the Deceas'd has Left behind him.

The Register acquaints the Court that here is a Letter Directed to Mrs. Elizabeth Hurdis, which he supposes to be the Will of the Deceased, upon which they order'd him to break it open, but it prov'd to be only a copy of a Will left by James Hurdis Deceased.

ORDERED that it be Read.

A Copy of the Last Will, and Testament of James Hurdis Deceas'd read.

Mr. Abraham Wessell one of the Judges of this Court Acquaints the Honble Court that as he Intends for England speedily his Business will not allow him to give his due attendance here Therefore desire that he may resign his Place as one of the Judges of this Court.

AGREED that Mr. Abraham Wessell do resign his place as one of the Judges of this Court.

The Honourable Court agrees to grant a Lettr. of Administration to John Powney Esqr. Principal Creditor of Capt. James Hurdis Deceas'd to the amount of Five Thousand, nine hundred, and Forty Eight Madrass Rupees, upon which they ORDERED that Messrs. Jonathan Windar, and Joseph Badman do being, or cause to be brought a shore the chest of Treasure that is on Board ship Charles, belonging to Capt. James Hurdis Deceased and that the Register do issue out an order accordingly.

ORDERED that the Register do seal up the Escrutore belonging to Capt. James Hurdis Deceas'd in the presence of Messrs. Jonathan Windar & Joseph Badman, and that the Register do Issue out on Order to the abovenamed Gent. for receiving the same on Board.

Petition of Father Thomas Capuchin Exhibited, and Read shewing, that Roza Maria Deas did on or abot. the 1st. of August Last Borrow, and Receive of your Orator the Principall Sum of Two hundred Pagodas, and for security thereof Assign'd, and made over a Recognizance, or Bill of sale of a house, and ground belonging to one Frances Labo of Madraspatnam Widow, with whom ye. said Roza Maria Deas had agreed for and in consideration of the said House to pay the sum of two hundred twenty five Pags. that the said Rosa

Maria Deas sent to ye. said Frances Labo for ye. aforesaid Recognizance under pretence of Paying the Sum therein mentioned, but instead thereof came, and assign'd over the same to your Orator for the sum of two hundred Pagodas, upon which the said Frances Labo refuses to surrender, and is still in Possession of said House by which means your Orator is Liable to be defrauded in Respect to the Security, since wch. your Orator hath Demandd. the above sum of Rosa Maria Deas but without Effect, therefore Prays to be relieved touching ye. Premises.

ORDERED that Roza Maria Deas the Defendant be summon'd to answer the Bill of complaint the next Court Day.

Petition of Charles Boddam Exhibited, and read a 2d. Time.

The Defendants Lewis Gray and Rawson Hart Trustees to the last Will and Testament of George Petty Deceased appear according to summons.

Between

Charles Boddam of Fort St. George Mariner

and

Messrs. Lewis Gray, and Rauson Hart of ye. same place Merchts.

Defendants.

Day is given unto the Defendants untill the next Court Day to answer the complainants Bill.

AT A COURT HELD AT THE TOWN HALL ON MONDAY THE 4TH. SEPTEMBER 1727.

At four a Clock in the Afternoon.

Present

JOHN POWNEY ESQR. Mayor.

FRANCIS ROUS, WILLIAM MONSON

THOMAS WATSON AND

Aldermen.

Messrs. Jonathan Windar, and Joseph Badman agreable to an Order of Court made this morning, send the Chest of Treasure, belonging to Captain James Hurdis Deceas'd to the Town Hall.

Agreed that the Chest be opened, and Treasure taken out of it to the amount of five Thousand, nine hundred Forty Eight Madrass rupees, having agreed the Last Court Day to grant John Powney Esqr. the Principall Creditor to that amount.

The Chest of Treasure is opened in the Presence of Messrs. Jonathan Windar, and Joseph Badman, and Gold taken out to the amount of five thousand nine hundred forty Eight Madrass rupees.

ORDERED that the Chest be Nailed up in the Presence of Messrs. Jonathan Windar, and Joseph Badman, and that the Register do Issue out an order to the above-named Gent for receiving the same on Board.

The Honble Court ordered the Register to write a Lettr. to Messrs. Elliza. Hurdis to advise her that we had stopp'd here gold to the Amount of five thousand nine hundred, and forty Eight Madrass Rupees, to satisfy the Respondentia Creditors of James Hurdis Deceased, and that we had granted John Powney Esqr. the Principall Creditor a Lettr. of Administration to that Amount.

An Order Issued out to Messrs. Jonathan Windar, and Joseph Badman to Receive on Board Ship Charles a Chest of Treasure and an Escrutore belonging to Capt. James Hurdis Deceased.

AT A COURT HELD AT THE TOWN HALL ON TUESDAY THE 5TH. OF SEPTEMBER 1727.

Present

TUESDAY

JOHN POWNEY ESQR. Mayor.

FRANCIS ROUS, AND WILLIAM MONSON

Aldermen.

Petition of Charles Boddam Exhibited, and Read a 3d. Time.

The Answer of Lewis Gray one of the Trustees to the Last Will, and Testamt. of George Petty Deceas'd Read, and Filed, representing that as Mr. Rawson Hart Joint Trustee with him self refusing to act. This Defendt. will Lay before this Court ye. Reasonableness of his objections for not paying the amount of ye. Deceased George Pettys Respondentia Bill of Exchange to the Complainant Charles Boddam, that the said Bill was drawn upon ye. Assigns of Mr. Houssay in England for which the Deceased deposited in ye. Complainant hands as a security a Large Diamond, and advised the assigns of his having drawn a Bill upon them to that amount, but as they had no advices from Mr. Houssay, they refused to comply with the Tenour of the Bill as also to accept of the Diamond giving them for Answer that they could not warrant their so doing without Positive advises from Mr. Houssay himself, and he could not be acquainted with Mr. Pettys negotiation of the said Diamond till March 1726 (at Byssora) and it's no wonder yt. his Letter which could goe no other way, but over the Desarts of Arabia, and consequently by hazardous conveyances should be Liable to miscarriage; This Defendt. hath also reason to believe the Compt. was fully satisfied with reasons given by Mr. Houssays Assigns, when he tells Mr. George Petty Deceased in a Letter dated the 24th. November 1726; that nothing could be done till advices should arrive from Mr. Houssay, and that he was content the Diamond should remain as Security, and Interest to be allowed on the Amount of the Bill from ye. time it became due to the time of Payment, and well he might remain satisfied (and he may still) when he has so ample a security as five thousand Pags. in his hands to discharge little more than six hundred pounds sterling; This Defendt. therefore Proposes to Deposite ye. mony [*sic*] the Compt. demands provided ye. Assigns of ye. Compt. give satisfactory security for the delivery of the abovemention'd Diamond, for other wise he thinks it very Unreasonable to pay the Amot. of the Bill, not knowing, but it may before this time be paid in England.

Para of a Letter from Capt. Charles Boddam to Mr. Petty read.

MAYORS COURT AT MADRASPATNAM.

Between

Charles Boddam Mariner Complainant

and

Messrs. Rauson Hart and Lewis Gray Trustees to the Last Will, and Testament of George Petty Deceased Defendants.

This cause coming this 5th. Day of September Anno Domini 1727 to be heard, and Debated before this Court by the Clerks on both sides and upon hearing ye. proofs taken in this cause, and upon Examination had of the matters in this cause, and due consideration thereupon this Court doth think fitt to order, and Decree, and doth accordingly order, and Decree, that Messrs. Rauson Hart, and John Lauder do give the Trustees to the Last Will, and Testament of George Petty Deceas'd security by Bond to ye. amount of five thousand Pags. and that the Trustees to ye. Last will, and Testament of George Petty Deceas'd do pay Capt. Charles Boddam the amount of his Bill of Exchange with Interest at ye. rate of 5 ℔ Ct. ℔ Annum and the money to be paid at the

rate of Eight shillings ℔ Pagoda, but in case ye. money is paid in England the Principall with the Interest at ye. rate of 5 ℔ Ct. ℔ Annum is to be paid back and that the Trustees to ye. Last Will, and Testament of George Petty Decd. do pay all Costs, and Charges of Suite.

AT A COURT HELD AT THE TOWN HALL ON FRIDAY THE 8TH. OF SEPTEMBER 1727.

Present

JOHN POWNEY ESQR. *Mayor.*

FRIDAY

FRANCIS ROUS, WILLIAM MONSON, AND
LEWIS D. MADERAS, EDWARD BRACKSTONE
THOMAS WESTON, *Aldermen.*

Petition of John Roach Exhibited, and Read a 3d. time.

The Answer of John Emmerson William Lecke, and John Lauder Executors to the Last Will, and Testament of George Tullie Deceased, read, and Filed: That these Defendants saveing [*sic*] to themselves All benefitt of Exceptions to ye. Errors, and Imferctions [*sic*] in the said Bill containted, for answer thereunto say, that after Deducting the sum of two hundred twenty two Pags. and fifteen fanams ye. Produce of Currt. Rupees seven hundred Eighty four Received by Samll. Fowler one of Mr. Drapers former Attorneys of Richard Benyon Late of this Place, as the said Drapers First, Second, and Third Dividends of one Thousand Rupees Principal he was concerned undr. Govr. Feake in the Triplicane Briggt. to Batavia. There does by ye. Decd. George Tullies Books, only remain due to Mr. Draper in January 1722/3 ye. sum of Pags. Nine Thousand three hundred, and Forty six, Eight fans. and sixty four Cash, and no more that these Defendts. know of: wherefore these Defendts. do utterly deny that part of the Bill wherein ye. aforesaid George Tullie is said to have Died Indebted to your Orators Constituent in the sum of fourteen thousand, one hundred Pags. or thereabots. Currt. of Madraspatnam, and they these Defendants do further say that they are ready to Lay ye. Books of ye. Deceas'd George Tullie before this Honble. Court if it be required, They these Defendants do further Say that it is very true they have already made two Dividends of the produce of ye. said George Tullies Estate: One Dividend of Pags. five thousand in January 1725/6 and another Dividend of Pags. four thousand, two hundred in January 1726/7 at which Time they did pay to Messrs. John Roach, and John Powney the Immediate attorneys of Joshua Draper, the sums of Pags. seventeen hundred twenty two. Thirty five fans. and fiftee cash. and of Pags fourteen hundred forty seven. Eleven fans., and fifteen Cash being the proportions that became due to ye. said Joshua Draper on his principal Debt of Pags. nine thousand three hundred forty six Eight fans. and sixty four Cash. due by the Deceased George Tullies Books to him. as will appear by a copy of the said Joshua Draper's account Extracted out of them, they these Defendts. do further say that at. or abot. the time of making ye. aforesaid Dividends, the Attorneys of ye. said Joshua Draper did shew them an Accot. Currant entitul'd. Messrs. George Tullie and Samuel Fowler my Late Attorneys in India, which Account they believe is sign'd [*sic*] with Joshua Draper's own hand, and that the sd. Attorneys did then Demand ye. Proportion of Pags. fourteen thousand one hundred sixty seven, twenty seven fans. and fifty Eight Cash being the Ballance of said Account, which Mr. Draper reckons due to him upon which they these Defendts. desired ye. said account might be lodged with them in order to compare it with the Books of the Deceas'd which they readily granted, whereupon it was found that the Sd. Joshua Draper had omitted to give the Deceas'd George Tullie Credit for the sum of Pags. four thousand, two hundred Seventy nine two fans. Sixty three Cash being moneys partly remitted home and partly paid away by

the Deceased George Tullie for an on account (as they these Defendts. believe) of ye. said Joshua Draper, the Particulars of wch. will appear by the Accot. taken out of ye. said George Tullie's Books, and upon a further Examination of ye. Accot. they these Defendts. say that they find ye. Deceas'd George Tullie and Samuel Fowler Debted for, and charged with ye. sum of Pags. fiveteen [*sic*] hundred seventy three sixteen fans. on accot. of ye. Diffce. in the Exchange, between remitting home his money at nine shillings ℔ Pagoda and at Eight shillings ℔ Pagoda; now with submission these Defendants say that they do not look upon themselves to be justly Chargeable wth. the aforesaid Difference, for they conceive that the not remitting home the foot of Mr. Draper's account according to his orders will amount to no more than a personall trespass in the said George Tullie their Testator, which they pray they may not be charged with; since according to the known, and received maxim in Law (Actio Personalis moritur eum persona) Therefore Prays that this Honble Court will order the sd. sum of Pags. fiveteen hundred seventy three, and sixteen fans. together wth. ye. sum of Pagodas four thousand, two hundred, seventy nine, two fans.; and sixty three Cash ye. sum wch. the said Joshua Draper has omitted to give their Testator Credit for, both Sums amounting to Pags. five thousand Eight hundred fivety two Eighteen fans. Sixty three Cash together wth. what other sum, or sums ye. said Joshua Draper, may have received from the Attorney, or Attorneys of ye. said George Tullie in England to be deducted, and taken from ye. foot of ye. said Joshua Draper's Accot. and that all such sum, or sums of money which have been recd. from Samuel Fowler, or any other person, or persons by the attorneys of ye. said Joshua Draper in India, may also be deducted from ye. foot of his accot. The Decd. George Tullie being Debted by Mr. Draper for the Amot. of all his Demands these Defendants come now to reply to that part of the Bill wherein they are charged with havg. refused Payment of the sums of Pags. Eight hundred Eighty Eight thirty fans. and fivety seven Cash, and Pags. seven hundred forty six twenty two fans. Sixty two Cash both Amounting to Pags. sixteen hundred thirty five seventeen fans. thirty nine Cash, which is the Proportion of Pags. four thousand Eight hundred twenty one Eighteen fans. seventy four cash ye. Difference between the foot of Joshua Draper's accot. and the Deceased George Tullies Books, which said Proportions these Defendts. humbly apprehend they will not Legally warranted to pay away till ye. afore Said Difference could be adjust'd unless your Orators Constituents would enter into Bonds to Indeminifie them in case ye. Creditors of George Tullie Decd. should prosecute them for having made such payments, but what Particularly induced these Defendts. to act with this caution, and to insist upon haveing Bonds of Indemnification was a caveat, which they well served wth. at ye. Instance of ye. Reverend Mr. Thomas Wendey in Relation to a Demand he has made upon the Estate of George Tullie Decd. these Defendts. do utterly deny ye. Latter part of ye. Bill which setts forth, that it may be Evidently made appear that the said Joshua Draper at his Departure hence for Europe left with ye. Deceas'd George Tullie the sum of Fourteen thousand, six hundred Pags. and upwards, and therefore Pray that the Plantiff [*sic*] may prove ye. same, and these Defendants do also conceive that in case there had been no Caveat Lodged they were sufficiently warranted for Insisting upon Bonds to Indemnifie them in regard it is their duty to take care of themselves, and as the attorneys of your Orator declined entring [*sic*] into any. These Defendts. for their own preservation were obliged to reserve ye. two proportions already mentioned in their own hands till such time ye. Difference in Dispute could be Legally determined which they pray this Honble Court would be pleased to do, they being ready to pay ye. said proportions whenever they are thereunto Legally Required.

Ordered that the Compt. be served with a copy of the Defendts. answer.

An accot. Current taken out of ye. Deceased George Tullies Books by the Executors read & Filed.

ORDERED that the Compt. be Serv'd with a copy of ye. accot. Currt.

The Honble Court do order that Mes. Francis Rous, and the Examiner, do Examine ye. Accots. of Mr. Joshua Draper, and the Decd. George Tullie, and report ye. same to the Court as soon as Possible.

Petition of Father Thomas Capuchin Exhibited, and Read a 2d. time.

The Defendant Rosa Maria Deas appears according to summons.

ORDERED that she do putt in Bail.

Between
Father Thomas Capuchin of Fort St. George
Compt.
&
Roza Maria Deas of the same Place
Defendt.

Day is given unto the Defendt. untill ye. next Court day to answer ye. complainant's Bill.

Petition of Domingos Alvez Read a 3d. time. Answer Read, declaring that he never Extorted any Goods, or merchandize from ye. complainant, but that they Lived in a Friendly manner at Junckceylone, but upon some dispute which hapn'd between the Chief Pilot of ship Chintadre Jagaria, and the Compt; The Complainant deserted the said ship, which as soon as was made known to ye. Defendant he Immediately sent out People to look after him but could not be found till ten days after the ship was sail'd upon his return this defendant Demanded the sum of fifty Pags. he had taken up at Respondentia of Mootu Vincatty Chittee a Mercht. in Madras, which was to Run upon ye. above said ship to Junkceylone, and back again to this Port of Madrass, which he refusing to pay the Defendt. caused him to be put in the Gongo ye. usuall Imprisonmt. of that Country, but at the request of some English and other Christians the Compt. was released and the affair made up upon his paying four Candy of Tin to discharge his Respondentia Bond which he did not Comply with, and only paid one Candy, and a Quarter.

ORDERED that ye. answer be sworn to against next Court day.

BETWEEN
Domingos Alvez of Fort St. George Mariner Compt.
&
JAGAPPA CHETTEE of the same Place Merchant Defendant
the 8th. day of September 1727.

ORDERED that Mr. Abraham Wessell the Late Register do deliver in an accot. of ye. Deposited Estates, as also an accot. of ye. Corporation Cash ye. next Court Day.

Petition of Coja Amerasat Exhibited, and Read shewing that your Orator in ye. Month of March in ye. Year of our Lord one thousand seven hundred. and twenty five Richard Carter merchant now being, and residing at Fort St. George afore said applied to your Orator to Lend him ye. Sum of one thousand Pags. at Interest for the Term of one month as will appear by a note under his hand bearing Date ye. 10th. March 1725/6 that your Orator hath severall times demand'd ye. said sum of one thousand Pags. together wth. ye. Interest due thereon. but hither to without Effect. Therefore Prays to be Relieved touching ye. Premises.

ORDERED that Richard Carter be summon'd to answer the Bill of Complaint ye. next Court day.

Petition of Coja Petrose Exhibited, and Read, shewing that your Orator did on or abot. ye. nineteenth day of August in ye. Year of our Lord one

thousand seven hundred, and twenty six, Lend upon Bond to Richard Carter Merch^{t}. now being, and Residing at Fort S^{t}. George y^{e}. sum of six hundred Pag^{s}. Curr^{t}. of Madrass at the rate of Eight ℔ c^{t}. ℔ annum Payable within twelve month from the Date thereof, That your Orator hath severall times requested the s^{d}. Richard Carter to discharge his Bond, but hither to without Effect, therefore prays to be relieved touching the Premises.

Ordered that Richard Carter be summon'd to answer the Bill of complaint y^{e}. next Court day.

Petition of Thomas Wendy Exhibited, and Read shewing that your Orator having a Bond given him of seven thousand Pag^{s}. Principall by George Tullie Late of Madraspatnam Merchant for y^{e}. security of y^{e}. sum of five thousand odd hundred Pagodas which your Orator paid in his own wrong out of the Commission drawn upon y^{e}. Estate of Francis Hastings Esq^{r}. of the aforesaid Place, did therefore for his further security on or abo^{t}. y^{e}. Eight day of June in the Year 1725. Present a Caveat to the Executors, of y^{e}. said George, advising, and cautioning them not to make any paym^{ts}. from out y^{e}. said Estate, which might Impair, or Infringe the same since which y^{e}. abovemention'd Executors having made two dividends of the said Estate amongst y^{e}. Creditors, and your Orator (who abo^{t}. the time of y^{e}. first Dividend delivered in y^{e}. amount of his Demand) was allotted his Proportion out of the said Estate by the Executors and your Orator do now pray that the said Proportion may be paid him according to the said Dividends, also prays a Generall Relief touching the Premises.

Ordered that Mess^{rs}. John Emmerson Will^{m}. Lecke, and John Lauder the Executors to y^{e}. last Will, and Testament of George Tullie Deceased be summoned to answer the Bill of Complaint the next Court day.

Petition of William Lindsey Exhibited, and read, shewing that Daniel Eden Caverly Late of Madraspatnam Deceased Borrowed and took up of your Orator's Constituent then residing in this Place the Principall sum of four hundred Pag^{s}. Current of Madraspatna and gave your Orator's Constituent three Bills of Exchange drawn upon Thomas Caverly of London for y^{e}. sum of two hundred pounds sterling money of England as will appear by the said Bills bearing date y^{e}. 23^{d}. day of July 1723, and further y^{e}. said Daniel Eden Caverly gott M^{r}. George Tullie to Enter into a Bond Bearing the same date wherein the said George Tullie hath Engaged himself his heirs Executors, and Administrators to pay, or cause to be paid the sum of four hundred pag^{s}. with what Interest shall become due thereon to y^{e}. said John Dawson your Orator's Constituent in case y^{e}. Bills drawn on y^{e}. said Thomas Caverly were not Accepted and paid. Now so it may Please this honble Court that the said Bills not meeting with due honor were on y^{e}. 13th. day of January last at y^{e}. request of y^{e}. said John Dawson Protested, and remitted accord^{g}. to form, and that your Orator hath since his arrivall here Demand'd y^{e}. amount of y^{e}. said Bond wth. the Interest due thereon of John Emmerson William Lecke and John Lauder the said George Executors, who reply. They should be glad to do y^{e}. said John Dawson all the Justice Imaginable but they have made two Dividends already to y^{e}. Creditors of y^{e}. said George Tullie, which they could not really or to that Effect; therefore Prays to be relieved touching the premises.

Ordered that Mess^{rs}. John Emmerson William Lecke, and John Lauder the Executors to y^{e}. last Will, and Testament of George Tullie Deceased be summon'd to answer y^{e}. Bill of Comp^{t}. the next Court day.
Sep^{r}. 10th.

Sepr. 10th. Father Thomas Capuchin withdraws his Bill of complaint against Rosa Maria Deas.

AT A COURT HELD AT THE TOWN HALL ON TUESDAY THE 12TH. OF SEPTEMBER 1727.

TUESDAY

Present

JOHN POWNEY ESQR. *Mayor.*

LEWIS D. MADERAS, JOHN BUCKLEY, AND
THOMAS WESTON, EDWARD BRACKSTONE,
Aldermen.

Petition of Messrs. John Emmerson, and John Lauder Exhibited, and Read, shewing that your Orators being appointed Executors to the last Will, and Testament of David Pyot Deceased, which Will they now tender to this honourable Court, and declare that they now Renounce ye. said Trust; Therefore desires this Honble Court will Receive ye. said Will with ye. Papers, and Effects belonging to David Pyot Deceased now in ye. Custody of your Orators.

THE Honble Court Accepts of ye. Trust upon which they

ORDERED that Messrs. Jno. Buckley, Edward Brackstone, and the Register do take an Inventory of all Mr. Pyot's Effects now in the hands of John Emmerson, and John Lauder, and that the Register do receive ye. same into his custody.

Petition of Coja Amerasat, Exhibited, and Read a 2d. Time.

Summons Returned, non Est Inventus. Coja Amirazat desires Liberty to withdraw his Bill of Complaint against Richard Carter, agreed he payg. all charges.

Petition of Coja Petrose Exhibited, and Read a 2d. Time Summons Returned, non East Inventus. Coja Petrose desires Liberty to withdraw his Bill of Complaint against Richard Carter, Agreed he paying all charges.

Petition of William Lindsay Exhibited, and read a 2d. Time.

The Defendants, John Emmerson, William Lecke, and John Lauder appears according to summons.

BETWEEN

William Lindsey of Fort St. George Compt.

&

John Emmerson, William Lecke, and John Lauder Executors to the Last Will, and Testament of George Tullie Decd. Defendants.

Day is given unto the Defendants untill ye. next Court day to answer the Complainants Bill.

Petition of Thomas Wendy Exhibited, and read a 2d. time.

The Defendts. John Emmerson, William Lecke, and John Lauder appears according to summons.

ORDERED that the register do serve ye. Defendts. with a copy of Mr. Wendy's Bill of Complaint.

BETWEEN

Thomas Wendy of Fort St. George Complainant.

and

John Emmerson, William Lecke, and John Lauder Executors to ye. last Will, and Testament of George Tullie Decd. Defendts.

Day is given unto ye. Defendts. untill ye. next Court day to answer ye. Complainants Bill.

Petition of William Hathaway Exhibited, and read a 2d. time.

The Defendant Isabella Murray appears according to summons.

The Defendant acknowledges the Debt.

Judgment is given for the Plaintiff.

Petition of Mootu Vincatee Chittee Exhibited, and read, shewing that your Orator did on the 6th. day of July 1725 Lend unto Domingos Alvez of Madrass Mariner ye. sum of Fifty Pags. which was to run at respondentia on ye. ship Chintadre Tagaria from this Port of Fort St. George to Junkceylone, and back again at ye. rate of twenty six ℔ Ct. and it was further agreed that in case he did not return that Munsoon that the Interest of 10 ℔ Ct ℔ annum should be allowed on ye. Bond that the aforesaid ship Chintadre Tagaria arrived safe at this Port on or abot. ye. 28 of Aprill 1726 by ye. arrival of which ship your Orator's risque ceased, and the Principall, and Interest become due, wch. at this time amounts to Pags. 71. 23. 56; out of which your Orator hath received only twenty Eight Pags. being ye. amount of one Candy of Tin paid by Domingos Alvez to your Orator's servt. Tagapah Chittee, then residing at Junkceylone, Therefore Prays to be Relieved touching the Premises.

Ordered that the Defendt. Domingos Alvez be summon'd to answer the Bill of Complaint ye. next Court Day.

Messrs. Abraham Wessell, and William Monson pays into this Honble Court Pags. 1454. 31. 26 on Accot. of Mr. Roger Weathy.

Petition of Anundashee Chittee Exhibited, and read shewing, that China Moota Chittee, now being, and residing at Madrasspatnam is indebted to your Orator upon Bond the Principall sum of sixty Pags., which he hath severall times Demanded with ye. Interest due thereon, but without Effect. Therefore Prays to be reliev'd touching the Premises.

Ordered that China Mootah Chittee be summon'd to answer the Bill of Complaint ye. next Court day.

Petition of Vencattee Gongo, Conachema &ca. Vencatumma, Exhibited, and read, shewing that your Orators Father dying in ye. year 1723 left behind him moneys, and Effects to ye. amot. of one thousand three hundred Pags. and upwards, and did before his Decease make his Will, and Testament and devis'd his Estate as follows, One third to your Orator Vincatty his son, and ye. remainder between your Orator, Gongo Canachema, and Vencatumma his Daughters, as will more plainly appear by their Father's said Will upon reference thereunto had; that your Orator's Mother dying also presently after and they being still Infants All ye. moneys, and Effects chanced to fall into ye. hands of Mangalore Paupia, who through a pretence [*sic*] of Friendship to ye. Deceaseds took your Orators for a little time under his charge, and yt. your Orators being Informed, and well assured that their said Father died seized of an Estate to ye. aforesaid amount, do therefore request this Honble Court (as they are now come to years of Discretion) that ye. said Mangalore Paupia be obliged to produce, And prove their said Father's Will, and accot. upon Oath for what moneys, and Effects were left by him that ye. same may be appropriated to their respective benefitts consonant to their said Father's last Will and Testament, and yt. he likewise accot for ye. Interest of ye. said money from ye. Decease of your Orator's Father, and further yt. he do Accot. for his haveing got Possession of your Fathers Chest in a Clandestine manner, And Conveying it away to a Certain Garden, and taking thereout ye. family Jewells, Bonds, Writings, Papers, and accots. to a considerable amount, and for money

received by him by Virtue of ye. aforesaid Bonds, All which your Orators can make appear, Therefore prays to be relieved touching the Premises.

ORDERED that Mangalore Paupia be summoned to answer ye. Bill of Complaint ye. next Court day.

AT A COURT HELD AT THE TOWN HALL ON TUESDAY THE 19TH. OF SEPTEMBER 1727.

TUESDAY

Present.

JOHN POWNEY ESQR. *Mayor.*

FRANCIS ROUS, THOMS. WESTON. JOHN BUCKLEY, AND EDWARD BRACKSTONE, *Aldermen.*

Mr. Abraham Wessell Late Register deliveres in a Ballance Paper of condemn'd Estates, and Estates of Deceased persons, and pays into Court ye. sum of Pags.; One thousand seven hundred Thirty Two, Three fans., and Twenty one Cash ye. Ballance thereof as follows Vizt.—

Estate of Willaim Veale	14	26	65
Estate of Timothy Wittwrong	9	31	19
House of Ninapa	5	7	—
Estate of Joan Symons	30	—	5
Lattamum Pottassar	31	34	50
Camphire	53	29	52
Emerald's Accot. John Richardson	36	4	—
Estate of Julia Da Costa	9	30	—
Estate of Nachepa	16	35	56
Francisco Andrade	75	17	—
Thome Mexia	6	31	40
Nellapa	11	—	—
Joseph Toms	18	1	30
Capr. Francis Stains	304	25	41
Lewis Henriques	5	14	49
William Towers	21	24	33
Aarum Chittee	9	13	43
Armiger Gostlin	92	5	49
Thomas Cooke	30	11	7
Jeremiah Bonnell	32	33	9
Estate of Stephen Jedderee	139	11	9
Estate of Sarah Pontanell	124	15	16
Estate of William Mansfiled	10	23	—
Estate of Stephen Gibbon	10	2	62
Estate of Christian Knoes	6	22	36
Briggantine Meramadud	345	19	—
Ismael Syrang	53	8	30
Joan Ovezee	26	—	11
Coja Merkatoon	41	9	24
George Smith	2	14	28

Chinnia	—	5	44
Metcap Nina Chitte	26	—	11
James Berriman	43	17	11
Yaggapah Chittee	42	30	71
Comboma	24	23	—

Mr. Abraham Wessell Late Register delivers in also an Accot. of y. corporation Cash for last Year the Ballance thereof as follows Vizt.

Mr. Edward Crooke his Bond, dated ye. 24th. December 1724 @ 8 ℘ Ct	500	—	—			
Cash standing out uncollect'd for ye. sea Gate Banksall, and measuring duty for wch. ye. Court Conicoply is Accountable	221	18	15			
Cash in the Chest	27	3	45			
				748	21	60
PAGODAS				2480	25	1

Which said money is now pd. into Court, and he is accordingly Cleared of all Accounts. Messrs. John Buckley, Edward Brackstone, and the Register delivers in an Inventory of ye. Decd. Mr. David Pyot's Effects it being what they received from Messrs. John Emmerson, and John Lauder.

Messrs. John Emmerson, and John Lauder, being present did upon theirs [*sic*] Oaths declare yt. what was mentioned in ye. Inventory delivered in by Messrs. John Bulkley, Edward Brackstone, and the register was all that they recd. on accot. of ye. Estate of David Pyot Deceased.

Petition of Thomas Wendey Exhibited, and read, a 3d. Time.

The Answer of John Emmerson, William Lecke, and John Lauder read, and Filed, that these Defendants saveing to themselves all benefitt of Exceptions to ye. Errors, and Imperfections in the said Bill Contain'd say, That it is a very true they were served with a Caveat on or abot. ye. 8 day of June 1725 at ye. Instance of ye. Complainant whereby they were cautioned, and advised not to make any Payments of any sum, or sums of money out of ye. Estate of ye. Decd. George Tullie, which might infringe the security given to ye. Plaintiff by a Bond from ye. Deceased Dated ye. 6 Feby. 1722/3, and these Defendts. do further say that at or abot. the time of their making a Dividend of ye. Decd. George Tullies Estate, they did amongst other Claims, And Demands Receive one from ye. Complainant for Pags. five thousand five hundred thirty nine, three fans., and nineteen Cash principall money, but as these Defendts. were not then fully satisfied with the Justness, and Legality of ye. said Claim, and that ye. other Creditors might not suffer by having their money detained from them. They these Defendts. proceeded to make ye. Dividend of ye. said Estate, and did amongst other claims Include yt. of ye. complainants, But deferr'd paying him any Proportion of ye. Divid. till such time as he should prove, and ascertain his claim to be Legall, and just, wch. these Defendts. do now humbly Pray this Honble Court will oblige him to do in ye. most particullar manner, because it does not appear to these Defendts. by ye. Bond given to ye. complainant that ye. Deceased George Tullie did Ever Receive any sum, or sums of money as is sett forth in his Bill, But on ye. Contrary they these Defendants found amongst ye. Papers of ye. Decd. George Tullie a mutuall agreement sign'd by ye. Complainant and the Deceased George Tullie whereby the said Complainant does freely and voluntarily of his own accord promise to pay unto ye. Decd. George Tullie one half of ye. commission to be drawn on the Estate of ye. Deceased Frans. Hastings

Esq^{r}. as will more fully appear by the said agreem^{t}. Therefore Prays y^{t}. the Comp^{t}. may be obliged to comply with y^{e}. aforesaid agreement, and that they may be hence dismissed with their reasonable Costs, and Charges.

The Comp^{t}. desiring a copy of y^{e}. Defend^{t}. answer.

Agreed, and ordered that y^{e}. Register do serve y^{e}. Complainant with a copy of y^{e}. Defend^{ts}. Answer.

The arrangement Bond between Thomas Wendey, and George Tullie Read.

M^{r}. Tullies Bond which he gave to M^{r}. Wendey

Read.

The petition of William Lindsey Exhibited and Read a 3^{d}. Time.

A Bond given by George Tullie to John Dawson Read.

A Bill of Exchange with y^{e}. Protest Read, as also, a Lett^{r}. from Daniel Eden Caverly to his Father Read.

The answer of John Emmerson William Lecke, and John Lauder Executors to y^{e}. last Will, and Testament of George Tullie Deceased, read and Filed that these Defendants saveing to themselves, all benefit of Exceptions to y^{e}. Errors, and Imperfections in y^{e}. said Bill contain'd say; That it is not, Improbable, but that Daniel Eden Caverly Late of this Place Deceased might have Borrowed and taken up of y^{e}. Comp^{ts}. Constituent the sum of four hundred Pag^{s}. currant of Madrass, and that the said Daniel Eden Caverly might have given Bills of Exchange for that amount as is sett forth in y^{e}. Complainants Bill, but these Defendants do not find by any acco^{ts}. of y^{e}. Dec^{d}. George Tullie, that he ever received any valuable consideration for y^{e}. Bond which y^{e}. complainant, says he entered into, and these Defend^{ts}. do further say that the said Bond Expresses no valuable consideration rec^{d}. by y^{e}. Dec^{d}. George Tullie, and therefore they humbly Pray that y^{e}. complainant may be obliged to prove that there was a valuable consideration p^{d}. to y^{e}. Dec^{d}. George Tullie, because they do not find that any such things appears even by the Bill of Exchan^{a}. these Defend^{ts}. do further say y^{t}. by y^{e}. Laws of Great Brittain they humbly conceive y^{e}. said Bond to be forfeited by reason of y^{e}. Extortionate Interest of ten ℔ C^{t}. therein required, and they these Defendants do further say that one year, and a Day was Expired before they made any Divid^{d}. of y^{e}. Deceased George Tullie's Estate, and that then they gave Publick notice by affixing a note at y^{e}. Sea Gate requiring all the Creditors of y^{e}. Deceased George Tullie to make their Demands, before they proceeded to make any Divid^{d}.; an [*sic*] these Defend^{ts}. say that they never heard, or knew of this Demand till abo^{t}. two or three months agoe, wherefore they these Defend^{ts}. humbly apprehend that they are not in y^{e}. Least Culpable, or chargeable for any neglect in y^{e}. complainants not making his Demand in time by which means he has been Excluded y^{e}. benefitt of y^{e}. two Dividends already made to y^{e}. Creditors of y^{e}. Deceased George Tullie, all which matters ,and things these Defend^{ts}. are ready to prove, and aver, Therefore prays to be hence Dismissed with their reasonable Costs, and Charges.

The complainant desiring a copy of y^{e}. Defend^{ts}. answer.

Agreed, and ordered, that y^{e}. register do serve y^{e}. complainant with a copy of y^{e}. Defend^{ts}. answer.

Petition of Vencattee Gongo conachema &c^{a}. Vencatumma Exhibited and read a 2^{d}. time. The Defendant Mangalore Paupia appears according to summons.

The Defend^{t}. is ordered to give Bail for his appearance, as also to answer all Costs, and Damages.

Ordered that ye. Register do serve ye. Defendt. with a copy of ye. Complainants Bill.

Between

Vencattee Gongo Conachema &ca. Vencatumma of Fort St. George,

and

Mangalore Paupia of ye. same Place Mercht. Defendt.

Day is given unto ye. Defendant untill ye. next Court day to answer the Complainants Bill.

Agreed, and ordered that all Papers which are not Read in Court ye. Attorneys are to serve ye. Compts. or Defendts. with ye. Copys.

At a Court held at ye. Town Hall on Tuesday the 26th. Septr. 1727.

Tuesday

Present

John Powney Esqr. *Mayor.*

Francis Rous,	John Bulkley,
Lewis D. Maderas,	and
Thoms. Weston,	Edward Brackstone,
William Monson,	*Aldermen.*

Agreed, and ordered by the Judges of this Honble. Court, that when any Alderman is chosen, if he refuses to stand he is to be find [*sic*] fifty Pags.

Messrs. Paul Foxley and Thoms. Norman chosen by the Majority of ye. Judges Aldermen of this Honble Court in the rooms of Abraham Wessell, and Richard Carter.

Petition of Domingos Alvez, Exhibited, and Read a 4th. Time.

Answer Read a 2d. Time.

Interrogotaries Read and Filed on ye. part of ye. complainant.

Depositions Read, and Filed on ye. part of ye. complainant.

Interrogotaries, Read and Filed on the part of ye. Defendant.

Depositions Read, and Filed on ye. part of ye. Defendant.

An Accot. Current, between Domingos Alvez, and Tagapah Chittee Read.

Ordered that the Register do deliver the Complainant his Chest of apparrels. The Chest dd. him.

Mayors Court at Madrasspatnam.

Between

Domingos Alvez of Fort St. George

Mariner Compt.

and

Tagapah Chittee of ye. same Place Mercht. Defendant.

This cause coming this 26th. day of Sepr. Anno Domini 1727 to be heard, and Debated before this Court by the Clerks on both sides, and upon hearing ye. Proofs taken in this cause, and upon reading the Interrogotaries, and Depositions, as also Reading an Accot. Current between ye. Complainant, and Defendt. and upon Examination had of ye. matters in this cause, and due consideration thereupon ye. Court doth think fitt to order, and decree, and doth accordingly order, and Decree, that the Defendt. to pay the Complainant Pags. 191. 12.— wth. all Costs of suite, but that the Complainant do take his Oath that he

Demanded y^e^. Jarr of Oil of y^e^. Defend^t^. at Junkceylone and that y^e^. same was denyed him, as also that the Jarr contained Twenty five Gallons of Oil.

The Defendant desires Liberty to appear to the Governour, and Councill Agreed that it be granted him.

Petition of Thomas Wendey Exhibited, and read a 4^th^. Time.

Answer read a 2^d^. time.

The Replication of Thomas Wendey Complainant To the Answer of John Emmerson William Lecke, and John Lauder Executors to the last Will, and Testament of George Tullie Deceased Defendants Exhibited read and Filed, that this Replyant being appoint'd Joint Executor with Joshua Draper to the Estate of Francis Hastings Esq^r^. as by his last Will, and Testament will appear, and the aforesaid Joshua Draper being to go to England in a short time after the Decease of y^e^. said Francis Hastings Esq^r^. was severall times desired, and Importuned by this replyant to remove the writings, and Papers, belonging to y^e^. aforesaid Estate into his Possession, which y^e^. said Joshua Draper refusing in generall, and in particularly the Cash Book being brought to this replyant's House, who would have had it inspected into, and Examined. This replyant; Therefore Employ'd M^r^. George Tullie as his Attorney to procure him in a Legall way, The Books, writings, Papers, Cash &c^a^. from out of y^e^. said Joshua Draper's hands, which he being some way or other acquainted with, drew off y^e^. said George Tullie, whom this Replyant had before Retained in behalf of y^e^. Estate; which he Effected by appointing the said George Tullie his own Attorney, and Pretended Co-Executor with this replyant, and by putting him into Possession of y^e^. Books, writings, Papers, Cash &c^a^. belonging to y^e^. said Estate, which this replyant attempting to recover from y^e^. said George Tullie found it Impracticable y^e^. said George Tullie at that time denying his being in Possession of y^e^. Books, Papers, cash &c^a^. and this replyant, not being then able to make a Legall proof of their being in his Custody by means of the clandestine delivery of them by the aforesaid, Joshua Draper to him y^e^. said George Tullie, and to prevent the severall great Inconveniences and Damages that might follow, was obliged to sign, and agreement to allow part of y^e^. commission drawable on y^e^. aforesaid Estate with y^e^. proviso, he would deliver up, the cash, writings, &c^a^. belonging to the said Estate, which this replyant was induced to to [*sic*] present the Embezzlement of y^e^. cash, which was very considerable, and to remove the hindrance and abstructions [*sic*] to y^e^. Business of the Estate which at that time required, Dispatch, and upon condition that the said George Tullie would be aiding, and assisting upon all occasions to the affairs of the Estate, and by way of Reply to y^e^. most material articles in y^e^. Defendant's answer; that it does not appear to these Defendants by the Bond given to y^e^. Plaintiff that the said George Tullie did ever Receive any sum, or sums of money from him as is sett forth in y^e^. Bill. On the contrary they these Defend^ts^. find amongst the Papers of y^e^. Dec^d^. George Tullie a mutual agreement signed by y^e^. Plaintiff, and y^e^. Deceased, whereby y^e^. said plaintiff does freely, and voluntarily of his own accord promise to pay unto y^e^. Dec^d^. George Tullie y^e^. one half of y^e^. commission to be drawn on y^e^. Estate of y^e^. Deceased Francis Hastings Esq^r^. as will more fully appear by y^e^. said Agreement. To y^e^. former of which this Replyant saith, as he humbly conceives y^e^. Caveat Vindicates y^e^. Bill of complaint so y^e^. Bond Justifies y^e^. Caveat, the validity of which Bond he offers to make appear from the acco^ts^. kept belonging to y^e^. said Estate, and that the sum mentioned in this replyants Bill was virtually p^d^. him y^e^. said George Tullie in a comp^t^. and to y^e^. Latter this replyant doth aver that he did not freely, and voluntarily of his own accord come into y^e^. said Agreement, but was as much compell'd, and Forced to do it as any man might be should another by force, or stratagem divest him of his Property, or Effects, upon w^ch^. his whole fortune depended, and afterwards

oblige him to sign a gratuity Bond for the Restoring of them, and does further humbly offer two Extracted Para; out of Lettrs. by which it will Appear that notwithstanding your Orator this replyant entered into such an Agreement with ye. said George Tullie for payment of part of ye. Commission, yet as this replyant paid it in his own wrong the Said George Tullie had no right, or title to it by law, or Equity.

Extracted Para: of Letters Read, and Filed.

An Account Currt. between George Tullie, and Thomas Wendy Read, and Filed.

Extracts of Journall Entrys, Read, and Filed.

Ordered that ye. cause depending between Thomas Wendey compt., and John Emmerson, William Lecke, and John Lauder Defendants be deferr'd till next Court day.

Petition of Maria Duverger Widow Exhibited, and Read shewing that by ye. Death of her husband there has fallen into her hands some Accots., and money belonging to John Du Terbre', now residing at Manhila, and not knowing any Body that has a power to receive the same, request the favour of this Honourable Court to accept of ye. same.

Petition of Peter Laborde Tausvas Exhibited, and Read, shewing that your Orator being constituted, and appointed by John Duterbre of Manhila Mercht. his said attorney Jointly, and seperatly, with Benoist Duverger Late of Madrasspatnam Decd. as will appear by a power, and Instructions under ye. said John Duterbre own hand writing to transact the sd. Duterbre's affairs in these parts, and that ye. Said Duverger being Decd. ye. whole power of acting devolves upon your Orator, and there being due from ye. said Benoist Duverger's Estate to your Orator's Constituent the sum of Pags. 1785. 17. 21 which said sum your Orator hath Demanded from out the said Duverger's Estate by Virtue of ye. abovementioned power, and Instructions given him by ye. said Dutertre the relict of ye. said Benoist, Duverger defers ye. payment untill ordered from this Honble. Court; Therefore Prays to be relieved touching ye. Premises.

Extracts of 2 Letters Read.

Extracts of 3 Para: of Instructions Read.

It's the Opinion of this Honble. Court that Monsr. Peter Laborde D. Tauseas has power to Receive from Maria Duverger the Ballance of Monsr. Duterbres account.

29th. Agreeable to an order of Court of ye. 26th. Instant Domingos Alvez took his Oath before Father Thomas Capuchin, and in the Presence of John Straton Register that he Demanded a Jarr of Camphire Oil of Tagapah Chittee at Junkceylone, and that the same was Denyed him, also that the Jarr contained twenty five Gallons of Oyll, or thereabots.

TUESDAY AT A COURT HELD AT THE TOWN HALL ON TUESDAY THE 3D. OCTR. 1727.

Present

JOHN POWNEY ESQR. *Mayor.*

FRANCIS ROUS, WILLIAM MONSON,
THOMAS WESTON, AND - *Aldermen.*

Petition of Thomas Wendey Exhibited, and read a 5th. time.

Answer read a 3d. time.

The Replication of Thomas Wendy Complainant.

To ye. Answer of John Emmerson, William Lecke, and John Lauder Defendants, Exhibited, and read a 2d. time.

Extracted Para of Letters Read a 2d. time.

Extracts of Journall Entrys, Read a 2d. time.

An Acco^{t}. Current, between George Tullie, and Thomas Wendy Read a 2d. time.

MAYORS COURT AT MADRASPATNAM.

Between Thom^{s}. Wendy of Fort S^{t}. George Complainant

and

John Emmerson, William Lecke, and John Lauder Executors to ye. last Will, and Testament of George Tullie Dec^{d}. Merchants Defendants.

This cause coming this 3d. day of Oc^{r}. Anno Domini 1727 to be heard, and debated before ye. Clerks on both sides, and upon hearing the Proofs taken in this cause, and reading four Extracted Para: of Letters one from ye. Rev^{d}. M^{r}. James Wendey to his Brother, dated the 5th. of February 1722/3, one from Edward Harrison Esq^{r}. to M^{r}. Thomas Wendy, dated ye. 30th. January 1724/5, another from Edward Harrison Esq^{r}. to M^{r}. Thomas Wendey, dated February 1st. 1726/7 and one from M^{r}. John Hastings to M^{r}. Thomas Wendy Dated Dec^{r}. ye. 2d. 1726, also two Journall Entrys, one dated p^{mo}. Nov^{r}. 1722, and the other dated January 22d. 1722/3, and an account Curr^{t}. between George Tullie, and Thomas Wendy, dated ye. 25th. Aprill 1723; and upon Examination had of ye. matters in this cause, and due consideration thereupon this Court doth think fitt to order, and Decree, and doth accordingly order, and Decree, that ye. Executors of George Tullie Dec^{d}. do pay ye. amount of ye. two Dividends reserved by them for acco^{t}. of M^{r}. Thomas Wendey into Court, on account of Commission paid by M^{r}. Thomas Wendey to George Tullie out of ye. Estate of Francis Hastings Esq^{r}. and that M^{r}. Thomas Wendey do swear to his accounts, and do deposite his Originall Bond in Court.

M^{r}. Ralph Mansell Attorney for Maria Duverger acquaint this Honble Court y^{t}. the said Maria Duverger, had been serv'd with a copy of their opinion concerning her Paying ye. Ballance of Mons^{r}. John Duterbre's acco^{t}. to Peter Laborde D. Toseaas, but that she had refused to pay the same without their order, and Decree. Therefore request the favour of this Honourable Court that she may pay ye. same into Court, for she do not think Mons^{r}. Peter Labor de Tosseass's power sufficient to secure her from any Demands, that may hereafter be made on this acco^{t}.

Ordered that Maria Duverger do pay the Ballance of Mons^{r}. John Duterbres acco^{t}. into Court.

Petition of William Lindsey Exhibited, and read a 4th. time.

The answer of John Emmerson, William Lecke, and John Lauder Defend^{ts}. Exhibited, and read a 2d. time.

A Bill of Exchange with the Protest Read a 2d. time.

A Bond of Indemnification, given by Daniel Eden Caverly to M^{r}. George Tullie Read, deferr'd till the next Court day.

Agreeable to an order of Last Court day the Rev^{d}. M^{r}. Thomas Wendey 4th. took his Oath, before John Powney Esq^{r}. Mayor that the Accounts which he delivered into Court were fair, and just to ye. best of his knowledge, and that the sums, which he Debted M^{r}. George Tullie Dec^{d}. in said Accounts were paid him in said Accounts as money.

AT A COURT HELD AT THE TOWN HALL ON TUESDAY THE 10TH. OCTR. 1727.

Present.

JOHN POWNEY ESQR. *Mayor.*

FRANCIS ROUS, EDWARD BRACKSTONE,
THOS. WESTON, PAUL FOXLEY, AND
WILLIAM MONSON, THOMAS NORMAN
JOHN BULKLEY, *Aldermen.*

Petition of John Straton, Register, read, and Filed in behalf of ye. Honourable James Macrae Esqr. requesting ye. favour of this Honble Court to grant him a Letter of Administration Annexed to ye. Will of David Pyot Decd. as the Executors nominated in said Will have renounced their Trust, and yt. he will enter into such Bonds for ye. due administration of ye. Goods Chattles, and Creditts of David Pyot Decd. as this honble Court shall think proper.

Agreed that his Petition be granted him, and that the Register do draw out a Lettr. of Administration, and annext ye. same to ye. Will of David Pyot Decd.

Agreed, and ordered that ye. Honble James Macrae Esqr. do enter into a Bond of ten thousand Pags. for ye. due Administration of ye. Goods Chattles, and Creditts of David Pyot Decd.

Petition of Mootu Vincattee Chittee, Exhibited, and read a 2d. time.

The Defendt. Domingos Alvez Appears According to summons.

Ordered that ye. Defendt. Domingos Alvez do give Bail to answer all Costs, and Charges of Suite.

Ordered that ye. Register do serve the Defendt. with a copy of the complainants Bill.

Between

Mootu Wincattee Chittee of Fort St. George Mercht. Compt.

and

Domingos Alvez of ye. same Place Mariner Defendant.

Day is given unto ye. Defendt. untill ye. next Court Day to Answer the Complainant's Bill.

Anundashee Chittee desires Liberty to withdraw his Bill of Compt. against China Mootah Chittee.

Agreed he paying ye. Court Charges.

Petition of James Hubbard Exhibited, and Read, shewing that in ye. Month of January in ye. Year of our Lord 1726 China Cootee Chittee Mercht. then being, and residing at Madraspatnam Borrow'd of your Orator ye. sum of three hundred Pags.; which sum was to run at Respondentia on a Vessell by name Champauca to Columbo, and back again at 15 ℔ Ct. your Orator running ye. Risque of ye. said money during ye. Prosecution of ye. said Voyage, which risque ceased in case ye. said Vessell did not Arrive before the Latter end of July 1727 that ye. aforesaid Vessell hath been long since arrived on this Coast at Porto Novo, where ye. said China Cootte Chittee was, and is since gone up ye. Country without giving your Orator the Least Satisfaction, and there being one Chitta Coote Pone Chittee Brother to ye. said China Cootte Chittee within ye. Jurisdiction of this Honble Court, who is jointly Concern'd in Trade with his said Brother, makes Payments, Receives Money, gives Bonds in ye. name of China Cootee Chittee, and as it has been time out of mind ye. Custom and Law of this Country for such persons trading as aforesaid to be Liable. And answerable jointly, and seperately, and in particular amongst the Chittee Cast. Therefore Prays that ye. part defendt. may be summoned, also prays a Genll. relief touching ye. Premises.

ORDERED that the China Cottee Pone Chittee be summoned to answer the Bill of Complaint ye. next Court day.

Petition of George Torriano, and John Lauder Exhibited, Read, and Filed, shewing that William Hastall of Bengall Mercht. did on or abot. the Twenty fourth Day of August last past Laid on Board ship Petersfield a Ball [*sic*] of Goods for account and risque of Richard Carter late Madrasspatnam Mercht.; and did by Bill of Lading consign ye. same to the said Richard Carter, or his assigns as will by the Said Bill of Loading, sign'd by Capt. Roger Laye more fully appear, and your Orators further say that they have often times Demanded the sd. Bale of Capt. Roger Laye, But without Effect, Therefore Prays to be relieved touching the Premises.

ORDERED, that Capt. Roger Laye be summoned to answer the Bill of Complaint the next Court Day.

Petition of John Emmerson, Exhibited, Read and Filed, shewing that John Dutertre late of this Place, took up and receiv'd of your Orator's Constituent at Bengall the full, and just sum of two thousand, six hundred ninety three Rupees, two annas Currt. of Calcutta, wch. was to run at Respondo. on the Briggt. St. Vincent to the Port of Manhila, and back again to ye. Port of Calcutta in Bengall at the rate of 40 ℔ Ct. and your Orator do further say that ye. above said Briggt. has been long since Arrived at this Port of Madrass, and disposed of hereby the Consent of the owners, by wch. means your Orator's Bond is become due, and Understanding that Father Thomas Capuchin has money of John Dutertre's in his hands demanded the amount of his Bond of him, who refuses to comply wth. the Tenour of it, without, he is Ordered by this Honble Court, Therefore Prays that the Party Defendant may be summoned, also Prays a Generall relief touching the Premises.

ORDERED, that Father Thomas Capuchin be summon'd to answer ye. Bill of Complaint the next Court Day.

Petition of Vincattee, Gongo, Conachema &co. Vencatumma Exhibited, and read a 3d. Time.

Mangalapore Paupia Refusing to give Bail to answer all Costs and Damages of Suite.

A Warrant of Arrest taken out and served against Mangalapore Paupia.

Committed to the Custody of the Marshall. Agreed, and Ordered by the Majority of ye. Judges of this Honble. Court, that Messrs. Francis Francis Rous [*sic*] and Thoms. Weston be Cash Keepers. of this Court.

Petition of Peter Laborde D. Tosseas, Exhibited, Read, and Filed, shewg. that your Orator being Constituted by John Dutarbre of Manhila Mercht. Joint Attorney with Benoist Duverger late of Madrasspatnam Mercht. who Dying on or abot. the month of Aprill Last Intestate upon which ye. aforesaid power from John Duterbre devolved upon your Orator, who on or abot. the 16 Day of September Last preferr'd his Bill of Compt. in this Honble. Court, setting forth the matter herein specified, and that there was then in the hands of Maria Duverger the Widow and relict of ye. aforesaid Benoist Duverger the sum of 1700 and odd Pags. or there aboos. belonging to your Orator's Constituent in consequence of wch. Mr. Mansell Attorney in behalf of ye. said Maria Duverger preferr'd a Cross Bill Praying the Opinion of this Honble. Court, touching ye. matter, then in Dispute; whereupon, and upon hearing what was alledged, and argued by the Attorneys on both sides, and after perusing severall Exhibits this Honble. Court were pleased to give it as their Opinion, that as your Orator had a power from ye. said John Dutartre the Court would not Interfere, and that the said Maria Duverger might pay ye. Ballance Belonging to John Dutartre to your Orator, and on ye. 3d. of Octr. following upon a further debate in referrence to Interest charged in Accot. by your Orator, which being overruled it was further Ordered that the Ballance (since the Decease of the said Duverger)

be deposited in Court, and your Orator to aply [*sic*] in form for the same. Therefore your Orator, now prays for a further Order, and Decree, and that the Ballance, or Deposite in Court belonging to John Dutartre be forthwth. paid as he is the Only person Legally Impowered by the said Dutartre to receive, and pay away the same.

Agreed, and ordered that the Ballance of John Dutartre's acco^{t}. now in Court be paid to Peter Laborde D. Tosseas, M^{r}. Madeyras promising the Court to be bound for him on acco^{t}. of their paying him y^{e}. same, also ordered that the Estate do pay the Charges of suite.

The Honourable Court Orders the register read that part of the Charter Relating to Persons dying Intestate within the Limitts of Fort S^{t}. George.

That Part of y^{e}. Charter Read, Relating to Persons Dying Intestate within y^{e}. Limitts of Fort S^{t}. George.

Father Thomas Capuchin Curate, and Minister of y^{e}. Catholick Church of Madrasspatnam having hitherto taken the Administration upon himself of All persons Estates that Dyed Intestate of y^{e}. Romish Religion The Honourable Court are now of opinion, that he has nothing to do with the same unless authorized by them, therefore its Agreed and ordered, that Father Thom^{s}. Capauchin be summoned to appear the next Court day, and advised of the same.

AT A COURT HELD AT THE TOWN HALL ON TUESDAY THE 17TH. OCT^{R}. 1727.

Present

JOHN POWNEY ESQ^{R}. *Mayor.*

FRANCIS ROUS,	EDWARD BRACKSTONE,
WILLIAM MONSON,	PAUL FOXLEY, AND
JOHN BULKLEY,	THOMAS NORMAN

Aldermen.

Petition of John Emmerson Exhibited, and Read a 2^{d}. Time.

The Defendant Father Thomas Capuchin Appears, according to Summons, upon which y^{e}. Court desires to know if he has any money in his hand belonging to John Dutartre Reply'd that he had sufficient in his hands to discharge M^{r}. Emmerson Resp^{a}. Bond, which he would do if they ordered him, But as the Original Respondentia Bond was at Bengall, and the Bond which M^{r}. Emmerson sued for only a Copy, the Same might be already discharg'd in Bengall.

MAYORS COURT AT MADRASPATNAM.

Between John Emmerson of Fort S^{t}. George Merch^{t}. Complainant

and

Father Thomas Capuchin of y^{e}. Same Place Defendant

This Cause coming this 17th. day of Oct^{r}. 1727 to be heard, and debated by the Partys on both sides, and upon Examination had of y^{e}. matters in this Cause, and due consideration thereupon, this Court doth think fitt to order, and Decree, and doth accordingly order, and Decree, that Father Thom^{s}. Capuchin do discharge John Dutartre Respondentia, given by him to M^{r}. John Emmerson's Constituent in Bengall, M^{r}. Emmerson giving him a Bond that in Case y^{e}. money is already paid in Bengall, to repay the Same.

Petition of George Torriano, and John Lawder, Exhibited, and Read a 2^{d}. Time.

M^{r}. Morse who is to appear for the Defend^{t}. Cap^{t}. Roger Laye sends word, that as there is a Consultation this morning, he desires this affair may be

Defferred till the next Court Day. Agreed to. Petition of Coja Petrose, Exhibited, read, and Filed. Shewing that John Dutartre Late of this Place took up, and receiv'd of your Orator's Constituent Coja Nazar of Bengall Merch^{t}. the Principall sum of One thousand Rupees, which sum was to run at Respondentia on the Brigg^{tt}. S^{t}. Vicent to Manhila, and back again to the Port of Calcutta in Bengall at y^{e}. rate of 40 ℔ C^{t}. that the aforesaid Wessell having been long since arrived, and the Voyage made up at this Port, and your Orator's Bond still unpaid, and Understanding, that there is money belonging to John Dutartre now in the Possession of this Hon^{ble}. Court, Therefore prays that y^{s}. Hon^{ble}. Court will discharge his Bond wth. the Int. due thereon also pray a Generall Relief, touching y^{e}. Premises.

M^{r}. Ralph Mansell Attorney for the Complainant produces a Copy of Mons^{r}. John Dutartre's Respondentia Bond, and Acquaints this Honourable Court that the Original Bond was still in the hands of his Clients Constituent there, as he did not Expect the Brigg^{t}. S^{t}. Vincents Voyage would be made up at this Port, that there were two Armenians that Signed as Witnesses to its being a true Copy, upon which the Court ordered him to get the same Translated into English against y^{e}. next Court day.

The Petition of James Hubbard, Exhibited, and read a 2^{d}. Time.

The Defendant China Coote Pone Chittee appears according to Summons.

The Defendant is ordered to give Bail to Stand to the Decree, & order of this Court.

Between James Hubbard of Fort S^{t}. George Merchant Complainant

&

China Coote Pone Chittee of y^{e}. Same Place Merchant Defendant.

Day is given unto the Defend^{t}. untill y^{e}. next Court day to Answer the Complainant's Bill.

Ordered that the Register do Serve the Defend^{t}. wth. a Copy of the Compt's Bill.

Father Thomas Capuchin being summoned by an order of Court made the Last Court Day appears accordingly.

The Honble Court acquaints Father Thomas Capuchin that accord^{s}. to y^{e}. Charter granted y^{e}. United East India Comp^{a}. by his most Sacred Majesty King George for this Place. All Persons Dying Intestate within the Limitts of Fort S^{t}. George the Administration of their Affairs devolves upon them; Therefore they order for y^{e}. future that in case any one of y^{e}. Romish Religion Dyes Intestate y^{t}. he Immediately acquaints the Court of y^{e}. Same that they may appoint proper Persons to take Care of their Effects, They likevise order that All Wills of Persons Dying in the Romish Religion, that the same be proved in this Honourable Court.

Father Thomas Capuchin promises to obey this Honourable Court's orders and returns them many thanks, for the trouble they have taken of his hands upon Acco^{t}. of their administring to the Deceased Persons Estates that Dyes Intestate of his Religion.

MEMORANDUM that on y^{e}. 14 day of Oct^{r}. Anno Domini 1727.

Joseph Brooks of Fort S^{t}. George Merch^{t}. in his proper person came before John Powney Esq^{r}. the Mayor of Madrasspatnam, and under took that Domg^{os}. Alvez of Fort S^{t}. George Mariner should abide by, and performe such final order, and Judgment, as should be made, or given by the Mayors Court of Madrasspatnam in a Certain Cause wherein Mootu Vencattee Chittee of Fort S^{t}. George Merch^{t}. is Complainant, and the said Domingos Alvez is Defend^{t}. or should abide by such finall order, and Judgm^{t}., as should be made or given upon any appeal to be Bro^{t}. in the said Cause, or should surrender himself to y^{e}. said Court to be Charged in Execution till y^{e}. said order or judgment should

be satisfy'd, or performed, or in default thereof that he ye. said Jozeph Brooks would do the same for ye. said Domgos. Alvez.

19o. Mr. Thomas Wendey deposited his Original Bond agreable to an order of Court made the 3d. Instant.

Warrant of Arrest taken out, and served against China Coote Pone Chittee.

Memorandum that on the 19o. day of Octr. Anno Domini 1727 Somadrue of Fort St. George Mercht. in his proper person came before John Powney Esqr. the Mayor of Madrasspatnam, and undertook that China Coote Pone Chittee of Fort St. George Mercht. should abide by and performe such finall order, and Judgment, as should be made, or given by the Mayors Court at Madrasspatnam in a Certain Cause, wherein James Hubbard of Fort St. George Mercht. is complainant, and the said China Coote Pone Chittee is Defendt. or should abide by, and performe such finall order, and judgment as should be made, or given upon any Appeal to be Brought in the said Cause, or should surrender himself to ye. said Court to be Charged in Execution till ye. said order or Judgment should be satisfy'd, or performed, or indefault thereof he the said Somadrue would do the same for the said China Coote Pone Chittee.

At a Court held at the Town Hall on Tuesday the 24o. Octr. 1727.

Present

John Powney Esqr. *Mayor.*

Francis Rous, Edward Brackstone,
Levis D. Maderas, Paul Foxley, and
William Monson, Thomas Norman.
Aldermen.

Petition of John Roach, Exhibited, and read a 4o. Time.

Answer read a 2d. Time.

Account Current Read dd. in by the Executors of George Tullie Deceased Messrs. Francis Rous, and the Examiner's report, as also an Accot. Currant drawn out by them, Exhibited, read, and Filed, the Contents as follows.

To the Honble. the Mayors Court
of Madrasspatnam.

Gentlemen

Agreable to an order of this Honble. Court, dated the 8o. Septr. 1727 Wee have Examined All the Accounts, Between Mr. Joshua Draper, and Mr. George Tullie Decd., and have drawn out an Accot. Currt. (which is hereunto annexed) by which you'll perceive, Mr. Draper has omitted to give Mr. Tullie Creditt for severall sums, wch. he paid away by his orders, and Humbly offer ye. same to this Honble Court for their approvall. In the Account Currt. hereunto Annexed you'll observe wee [*sic*] have given Mr. Draper Creditt for 1mo. 12days. Interest on Pags. 9337 14 32 being from the 25o. Sepr. 1724 to the 7o. Novr. following ye. time Mr. Tullie Died, so that supposing the Ballance of Mr. Draper's Accot. Currant dated the 28 Octr. 1724 to be Pagodas 14167 27 58 there will now (after deducting the sum, which wee [*sic*] have Debted him) remain due to him no more than Pagodas 9524.3.6, and there must also be deducted from that the Int. on Pags. 173.11. which wee should have done had, wee known the time Mr. Draper recd. that sum of Mr. Rauworth Mr. Tullie's Attorney in England, and as it's reasonable to suppose Mr. Draper would be glad to know our reasons for Debting him wth. the sums mention'd in our accot. Currant, wee have thought proper to Incert them, and are as follows. Mr. Draper in his Instructions to Mr. Tullie when he left this Place advises him of his Owing Capt. James Berriman ye. sum of Pags. 567.15.24, which wee find Mr. Tullie to have paid him

with the Interest thereon, but omitted to Debt Mr. Draper for ye. same in any accot. produced us by either Party; Wee have also Debted Mr. Draper for Pags. 914.17; Money Paid by Samuel Fowler to Major John Roach his Attorney here, Mr. Tullie not being Creditted for ye. same in any accot., Wee have in another Article Debted Mr. Draper for Pags. 173. 11 being so much which he received of Mr. Rauworth Mr. Tullies Attorney in England, which wee suppose he forgott to give Mr. Tullie Creditt for, as he did not mention it in his accot. Currant The amount of Messrs. Fowke, and Court Children's Leagacys, wee are surprized Mr. Draper should Debt again Mr. Tullie for in his Accot. Currant dated ye. 28o. Octr. 1724 when he accepts of ye. same, by Drawing his Ballance from an Accot. Currant sent by Messrs. Tullie, and Fowler dated the 10th. January 1722/3 But wee are Informed that in a Letter to his Attorneys here, he tells them that he will keep ye. aforesaid Assignments for a further security, so that wee have thought it, but Justice to debt him again for ye. same with the same Interest he Debts Mr. Tullie being 1year 8mo. 15days. Mr. Draper also on his accot. Currt. dated ye. 28 Octr. 1724 debts Mr. Tullie as follows; To a Draw Back of half of what Commission of 5 ℔ Ct. has been charged on ye. Creditt side of their 1st. Account Currt. (Ni. in my Packett) by Messrs. Fowler, and Tullie the said Creditt's foot Amounting to Pags. 19786. 30. 5. Their commission (as the last article on the Debitt side) amounting to Pags. 989. 12. 24 thô only half of their Business whereby they Demand it Vizt. Receiving being only either to [*sic*] done, therefore I Draw Back what I would have allowed perhaps to them for remitting Because it's not done. The half of ye. Sd. Commission of Pags. 989. 12. 34; and it amounts to Pags. 494. 24. 12, so that wee have Debited Mr. Draper for ye. half of Pagodas 494. 24. 12 as also ye. half of ye. Interest on Do. being 79. 24. 24 Mr. Fowler being accountable to him for ye. other half as he received the same. Wee have also Debted Mr. Draper for Pagodas 45. 1. 71: Being money paid by Messrs. Tullie and Fowler to Severalls, ye. Particulars wee beg leave to refer you to our Accot. Currt. Wee come now to ye. Articles of Pags. 1573. 16 which Mr. Draper has debted Mr. Tullie for upon Accot. of his not remitting home his money, when the Pagoda was at nine Shillings, To this wee shall only say, that as Mr. Draper in a Letter to Messrs. Tullie, and Fowler dated ye. 11th. July 1723, Excuses their not sending home his Money, wee Cannot think it Injustice if he is debted again for the Same. The Para of that Letter wee Beg Leave to Incert and is as follows:—

"I Observe in Generall how ill I have been used by your Sett of Monsters in power. I am glad neither my Estate nor Person has been in their power, or Lain at their Mercy you have Subjected yourselves to some reflection by not remitting my Ballance by the Latter ships at Least, however I have been silent, or rather Excused the thing on accot. of your stedfast adherence to my Interest at Bottom, But I hope on that Score I shall not be rendered unsafe, or disappointed at Last, so that wee have again Debted Mr. Draper for the above sum of Pags. 1573.16; The Pagoda being reduced by the Compy. the 21st. Decr. 1722 as will appear by Part of a Para. of their Letter, to their Presidt; and Council of this Place, which we have hereunto annexed, but wee are also of Opinion that if Mr. Draper had not Excused their not remitting home his money, when the Pagoda was at nine shillings, it would now amount to no more than a Personall Trespass in the Testator George Tullie, all which wee humbly offer to the Opinion of this Honourable Court, and are

Gentlemen
Your most humble servants.
Frans. Rous.
John Stratton.
Examiner.

Fort St. George,
Octr. ye. 24th. 1727.

Mr. Joshua Draper

Dr.

March 4°	To Cash paid Capt. James Berriman.	567 15 24					
	Interest on Do. from 10th June to this day @ 8 ℔ Ct ℔ añn	33 10 48					
			600	25	72		
	To Cash paid Major John Roach by Mr. Samuel Fowler	..	14	17	0		
	To Cash paid you in England by Mr. Rauworth Mr. George Tullies Attorney	..	173	11	0		
	To the amount of Messrs. Fowke, and Court Childrens Legacys you keeping the Assignments in your hands.	1,000 0 0	..				
	Int. on Do. for Year 1 Mo. 8 days 15 @ 8℔ Ct ℔ annum	136 24 0					
			1,136	24	0		
	To half of ye. Commission not allow'd by you in your accot. Curt. which Mr. Fowler is to be Accountable for as he received the same ..	..	287	6	18		
	To the Diffce. in ye. Exchange wch. you charge for not remitting Home your money, when ye. Pagoda was @ 9 shillings, and now at 8 ℔ Pogoda.	..	1,573	16	0		
	To Cash paid severalls, as follows Vizt. Richard Benyon Export Ware House Keeper	10 34 64	..				
	Paid the Secry for a copy of Mr. Hastings's Will & Ca.	7 0 0	..				
	Samuel Fowler wt. he paid the Secry. for attesting severall Papers ..	10 0 0	..				
	Do. what he alledges was due to him wn. he went to the West Coast, & omitted to Charge you when here.	17 3 7	..				
			45	1	74		
			4,730	30	1		
	To Ballance Due		9,524	3	6		
	Pogodas : ..		14,254	33	7		

Cr.

1724							
Octr. 28th.	By the Amount of an accot. Currant of this Days Date					14,167	27 58
	By Interest on Pagodas 9337.14.32 from the 25 Sepr. 1724 to the 7 Novr. 1724 the time of Mr. Tullies Death being Mo. 1 Days. 12 @ 8 ℔ Ct. ℔ Ann					87	5 29
	Pagodas ..					14,254	33 7

Extract of Part of y^e^. 30^th^. Paragraph of a Lett^r^. received from y^e^. Court of Directors of y^e^. United East India Company, dated the 21^st^. Dec^r^. 1722 received in Madras the 7 June 1723, Read, and Filed the Contents as follows:

This Brought us to consider more nicely of y^e^. Exchange from Madrass, and the true worth of our Pagoda That by silver sent out from hence to Madrass, and sold for Pag^s^. the Pagoda doth not stand us in above seven shillings, and three pence reckoning y^e^. silver at five shillings, and six pence the Ounce, and adding to this our Late Losses the hardships on the Trade, and other Discouragements, wee cannot afford to let others run away with so Large a proffitt which the Price of Goods will not answer, and therefore have determined, and ordered, and do hereby order, and Direct that for the future wee will not allow any money to be Drawn on us for what paid into our Cash at more than Eight Shillings a Pagoda, which wee find to be fair encouragement.

A True Copy

GEORGE TORRIANO,
Sec^y^.

M^r^. Charles Gee Attorney for y^e^. Complainant, Acquaints this Honble Court that he has some Exceptions to make to the Acco^t^. Currant. Therefore desires that he may be served w^th^. a copy.

ORDERED that the Register do Serve him with a Copy of the Report, and Account Currant.

The Petition of William Lindsey Exhibited, and read a 5^th^. time.

The Answer of John Emmerson William Lecke, and John Lauder, Executors to the Last Will, and Testament of George Tullie Deceased, Exhibited, and read a 3^d^. time.

MAYOR'S COURT AT MADRASSPATNAM.

Between William Lindsey of Fort S^t^. George Merch^t^. Complainant.

&

John Emmerson Will^m^. Lecke and John Lauder Executors to the Last Will, and Testament of George Tullie Dec^d^. Defendants.

This cause Coming this 24^o^. day of Oct^r^. Anno Domini 1727 to be heard, and Debated before the Clerk's on both sides, and upon hearing the proofs taken in this cause, and upon Examination had of the matters in this cause, and due consideration thereupon this Court doth think fitt to order, and Decree, and doth accordingly order, and Decree that the Complainant do come in for all Dividends that shall be made hereafter upon M^r^. George Tullies Estate, Exclusive of all Dividends already made, and that M^r^. George Tullie's Estate do pay all charges of suite.

Petition of James Hubbard Exhibited, and read a 3^d^. time.

Between James Hubbard of Fort S^t^. George Merch^t^. Comp^t^.

and

China Coote Pone Chittee of y^e^. same Place Merch^t^. Defendant.

Further day is given to the Defendt. untill ye. next Court day to answer the Complainant's Bill, and in Default of Answer. Judgment will be given for the Complainant. The Petition of Mootu Vencattee Chittee Exhibited, & read a 3d. time.

Between

Mootu Vencatee Chittee of Fort St. George Mercht. Compt.

and

Domingos Alvez of the same Place Marriner Defendt.

Further day is given to the Defendt. untill the 2d. day of Novr. to answer the Complainant's Bill and in Default of answer Judgment will be given for the Complainant.

The Petition of Maria Duverger Exhibited, read, and Filed Shewing that upon the Death of your Oratrixs's Husband (who Died Intestate) Father Thomas Capuchin now of this Place took upon him the administration of his affairs, and Disposed of severall Goods &ca. to a Large amount, which he has duly accounted with your Oratrix Excepting the sum of Pags. three hundred, thirty three, twelve fans., which he refuses to pay though often Demanded under pretence of keeping the same for ye. good of ye. Church, and Charitable uses for the good of ye. soul of ye. Decd. and builds his Pretensions for his detaining the same on a marriage Contract, which upon reference thereunto had will plainly shew that it was drawn with a Design to hinder either party from Leaving too Large Legacys, and therefore it Expressly says that the first which departs this Life shall not dispose of more than a third of one thousand Pags. for the good of their soul, or any other Benefit, or Charitty, The Marriage Contract also further says that in case at the Death of either of the Partys the Estate shall not be found worth one thousand Pags. then an Inventory shall be taken, and a third of that they shall have Liberty to dispose of, and your Oratrix further says, that as her husband did not dispose of any sum either by word, or Deed as ye. marriage Contract gave him a Liberty to do, there is no one now can Lay a more just Claim to the same than herself Therefore Prays that the Party Defendant may be summoned, also Prays a Generall relief touching the Premisses.

Ordered, that Father Thomas Capuchin Be summoned to answer the Bill of Complaint the next Court Day.

The Petition of Father Thoms. Capuchin, Exhibited, read, & Filed, Shewing that one Franciso Fernandes late of Madrasspatnam Decd. had in his Lifetime Sundry dealings in Merchandize with one Conacassaba of Madrasspatnam Merchts., that upon a dispute between them abot. a Ballance of an Accot. to the Amot. of one hundred, and thirty Pags., being Justly due from the said Conacassaba to the said Francisco Fernandes. The Latter Commenced his suite in the Latte Worshipll. the Mayors Court, which was then prosecuted and Judgment given in favour of the Plaintiff, But it so hapn'd that the Party Defendt. appearing only by Attorney did after Judgment given under pretence of appealing run away purely to Evade the Justice of that Worshipll. Court, and hath absconded for a Long time since, so that ye. said Judgment hath never yet been Comply'd with. The Ball [*sic*] according to the Process of that Court being freed upon Judgment given, and your Orator do further say that the St. Francisco Fernandes being since decd. and having left behind him a Wife and Children he in behalf of them humbly applys to this Honourable Cuort for redress, and that the said Connacassaba who is Late come into the Limits of Fort St.

George may be summoned, and that the Interest may be allowed on the abovesaid sum to this time, also Prays a Generall relief touching the Premises.

ORDERED, that Conacassaba be summoned to answer the Bill of Complaint the next Court Day.

The Petition of Domingo Markine, Exhibited, read, and Filed, Shewing, that John Gaugo Pixiote Late of Madrasspatnam Dec^{d}. did on or abo^{t}. the sixth day of July in the Year of our Lord 1726 Mortgage, assign, and make over unto your Orator for and in consideration of y^{e}. Principall sum of three hundred Pag^{s}. two Houses, one Scituated in the Pedda Naique's Petta, and the other within the Town of Madrasspatnam, that the time of payment being Long since elapsed, and the Mortgager dead; your Orator Prays to be relieved touching the Premises, and that you will Cause Sell to be made of y^{e}. two abovementioned houses in order to Satisfie your Orators just Demands with w^{t}. Interest shall become due thereon.

ORDERED that the two abovementioned Houses be sold at the Sea Gate in twenty days from the date hereof.

Note affixed at y^{e}. Sea Gate accordingly sold y^{e}. 15th. Nov^{r}. for 321 Pag^{s}.

Petition of Aaron Franks &c^{a}. Creditors of Isaac Hanson, Read, and Filed, shewing that, Cap^{t}. Isaac Hanson Late of Madrasspatnam Merch^{t}. being Indebted your Orator's in a very considerable sum of money, as ℔ their severall Bonds, or Instruments in writing upon reference thereto had more plainly will appear, that the said Isaac Hanson having been on a Voyage these five years, and upward, and having violated his solemn promise in making Annual remittances towards satisfying his Creditors in their Just Demands; Your Orator, now pray that as there are two Houses within the District of this Honble Court, belonging to the said Isaac Hanson, that the same may be sold at Publick Outcry towards discharging part of their Debts.

Ordered that the Register do acquaint M^{rs}. Rebecca Fullagar of the abovesadi Demand, as the Houses are now under her Care, to know if she has anything to object, why the two Houses belonging to Cap^{t}. Isaac Hanson should not be sold at Publick Outcry.

Petition of Somadrue Moodelare, Exhibited, Read, and Filed, Shew^{g}. that James Tobbin, Late of Madrasspatnam Merch^{t}. Borrowed, and Received of your Orator the Principall sum of six hundred Pagodas, for y^{e}. Security of which sum, he the said James Tobbin, mortgaged, assigned, and made over to your Orator a house, and Ground scituated in the Chapauca and your Orator further sheweth unto this honble Court, that there appearing some time after a Prior Mortgage upon the same House, duly Registered in this Honble Court, The said House was by an order of the Late Worship^{ll}. the Mayors Court, sold at Publick outcry in order to discharge it, by which means your Orator came only in for the Ballance remaining, which amounted to no more than Pag^{s}. One hundred, and Fivety, thirty five fan^{s}. and thirty six Cash, so that there is still a Considerable sum remains due to your Orator, and your Orator now Understanding that there are Effects, and Demands now in the Possession of this Honble Court, belonging to the said James Tobbin. Humbly Prays that the same may be sold at Publick Outcry towards discharging the remaining part of his Bond, also Prays a Generall relief touching the Premises.

Agreed, and ordered that the above affair be Deferred till the next Court day.

Petition of Coja Petrose, Exhibited, and read a 2^{d}. Time.

Agreed, and ordered that this Honble Court do pay him the amount of his respondentia Bond, he giving them security by Bond, that in case the money is already paid in Bengall to repay the same with Interest.

This day was produced and read the Last Will, and Testament of Thomas Hill, The Witnesses to the same, Stephen Worlidge, Samuel Fowler, and Fran^{s}. Ting, being all Dead, the hand Writing of all of them were Examined into, and its firm belief of the Judges of this Honble Court, that the same is the hand signing of the said Stephen Worlidge, Samuel Fowler, and Francis Ting, upon which this Honble Court Ordered that a Probat do pass their seal.

This Day the Honble James Macrae Esq^{r}. Exhibited to this Honble Court the Last Will, and Testament of David Pyot Dec^{d}. two Witnesses being present. Viz^{t}. Holland Goddard, and John Savage, being sworn did upon their Oaths, Declare that they saw the Testator David Pyot, Sign, seal, Publish, and declare the Will thus Exhibited to be his Last Will, and Testament, and that he was then to all Outward appearance of perfect mind and memory, and they add further y^{t}. they sign'd the same as Witnesses in the Presence of the Testator and each other.

Petition of Vencattee Gongo, Conachema, &c^{a}. Vencatumma, Exhibited, and read a 4th. Time.

The answer of Mangalapore Paupia, read, and Filed, That this Defend^{t}. saveing to himself all benefitt of Exceptions to the Errors, and Imperfections in the said Bill Contained say that Pangalattee (the Father of the Complainants) and this Defend^{t}. being very Intimate, he sent for him some time before he Died, and recommended to him y^{e}. Care of his Wife, and Children, and then delivered him two Bonds, as also sent for those People upon the Bonds was due, and desired them to pay the amount of them to this Defend^{t}., and this Defend^{t}. further saith that abo^{t}. six months after the Decease of Pangallattee, the Wife also Died upon which the whole Care, and Charge devolved upon this Defend^{t}., and he this Defend^{t}. say that he has maintained the Comp^{ts}. till within these four months past also this Defend^{t}. further sheweth unto this Honble Court that he has been at the Charge, and trouble of marrying all the Children Except one, as also at the Charge of Burying both the Father, and mother, and that Immediately upon the Death of Pangalatee's Wife, he Caused the Chest of the Dec^{d}. to be sent for, and Opened before the heads of the Cast, and some other People of Veracity, he Likewise sent for a Gold Smith who weighed, and delivered the Jewells to this Defend^{t}. and he this Defend^{t}. do now say that he is ready to have the accounts Examined, if this Honble Court shall Judge meet and to pay the Ballance as ordered Therefore Prays to be hence Dismissed with his reasonable Cost, and Charges unjustly Sustained.

M^{r}. Charles Gee Attorney for the Complainants desire, that he may be served with a copy of the Defendants answer.

Ordered that the Register do serve him wth. a Copy of the Defend^{ts}. answer.

Between Vencattee Gongo, Conachema &c^{a}.

Vencatumma of Fort S^{t}. George

Complainants

and

Mangalapore Paupia of the same Place Taylor Defendant.

Further day is given to the Defend^{t}. until the 2^{d}. Day of Nov^{r}. next to produce his Witnesses.

AT A COURT HELD AT THE TOWN HALL ON TUESDAY THE 31ST. OF OCTR. 1727.

Present

JOHN POWNEY ESQR. *Mayor.*

FRANCIS ROUS, PAUL FOXLEY, AND
LEWIS D' MADERAS, THOMAS NORMAN
WILLIAM MONSON, *Aldermen.*

Petition of John Roach Exhibited, and read a 4th. Time.

The answer of John Emmerson, William Lecke, and John Lauder Executors to the Last Will, and Testament of George Tullie Decd. Exhibited and read a 2d. time.

Messrs. Rous. and the Examiners Report read a 2d. time.

Messrs. Rous. and the Examiners Account Currt. read a 2d. time.

Mr. Charles Gee Attorney for the Plaintiff having been serv'd with a Copy of the referees Report and Accot. Currant (accorg. to his desire) in order to make what Exceptions he thought proper to it, was now asked what he had to urge in behalf of his Client; Reply'd that he observed the referees had Debted Mr. Draper in their Accot. Currant for the amot. of Messrs. Fowke, and Court Childrens Legacys, when it was plain by Mr. Draper's Accot. Currant, that he had delivered over the Assignmts. to Mr. Tullie's Attorney in England, upon which Mr. Lauder one of the Executors desired that the Attorneys might be obliged to produce a Lettr. they received from Mr. Draper of a Later date than the accot. wherein he receives it is said there that he keeps the aforesaid assignments for a further security, which the attorneys refusing to Comply with, the Court Proceded to Judgment.

MAYORS COURT AT MADRASSPATNAM.

Between John Roach of Fort St. George Mercht. Complainant

and

John Emmerson, William Lecke, and John Lauder Executors to ye. Last Will, and Testament of George Tullie Decd. Defendant.

This Cause Coming this 31st. day of Octr. Anno Domini 1727 to be heard, and Debated before the Clerks on both sides, and upon hearing the proofs taken in this Cause, and upon Examination had of the matters in this Cause, and due consideration thereupon this Court doth think fitt to order, and Decree, and doth accordingly order, and Decree that the Ballance of the Accot. Currant dd. in by Messrs. Francis Rous, and the Examiner amounting to nine thousand, five hundred, and twenty four Pags. three fanams, & six Cash to be a true Ballance, and that the Plaintiff do pay all Cost, and Charges of suite.

Petition of George Terriano, and John Lauder Exhibited, and read a 3d. time.

Mr. Nicholas Morse appears for the Defendt Capt. Roger Laye.

Ordered that the Register do serve the Defendt. with a Copy of the Complainants Bill.

Between George Torriano, and John Lauder of Fort St. George Merchts. Complainants,

and

Capt. Roger Laye of the same Place Mariner Defendant.

Day is given unto the Defendt. untill the next Court Day to answer the Complainants Bill.

Petition of Maria Duverger Exhibited and read a 2d. time.

The Defendt. Father Thoms. Capuchin appears according to summons.

Ordered that the Register do serve the Defendt. with a Copy of the Complainants Bill.

Between Maria Duverger of Fort St. George Complainant.

and

Father Thomas Capauchin of the same Place Defendt.

Day is given unto the Defendt. untill the next Court Day to answer the Complainants Bill.

Father Thoms. Capuchin, desires Liberty to withdraw his Bill of Complaint against China Cote Pone Chittee.

Agreed he paying the Court Charges.

Agreed, and Ordered that in the Cause Depending Between Thomas Wendey, and the Executors of George Tullie Deceased, that the Plaintiff, and Defendts. pays their own Charges of Suite.

Mr. Lewis D'Maderas refusing to be Bound with Peter Labordee D'Tosseas on Accot. of this Honble Court's paying him the Ballance of John Duterties Accot. Father Thoms. Capuchin was proposed by Peter Laborde D'Tosseas to be Bound wth. him which was agreed to.

Agreed, and Ordered that the Ballance of John Dutertre's Account be paid to Peter Laborde D'Tosseas, and Father Thos. Capuchin upon their giving this Court a Bond of Indemnification upon Accot. of their paying them the same.

Petition of Corpah Chittee, Exhibited, read, and Filed Shewing that one Vencatee puttee of Madrasspatnam Mercht. is Indebt'd to your Orator abot. the sum of three hundred, and Fivety Pags. which your Orator hath severall times Demanded But without Effect. Therefore Prays to be relieved touching the premises.

Ordered that Vencattee Puttee be summoned to answer the Bill of Complaint the next Court Day.

At a Court held at the Town Hall on Fryday the 10th. of Novr. 1727.

Present

John Powney Esqr. *Mayor.*

Francis Rous, Edward Brackstone, and
Thomas Weston, Paul Foxley,
William Monson, *Aldermen.*

Petition of Corpah Chittee Exhibited, and read a 2d. Time.

The Defendt. Vencattee Puttee appears according to Summons.

Ordered that the Register do serve the Defendt. with a Copy of ye. Complainants Bill.

Between Corpa Chittee of Fort St. George Mercht. Complainant.

&

Vencattee Puttee of the same Place Merchant Defendant.

Day is given unto the Defendt. untill the next Court day to answer the Complainants Bill.

Petition of George Torriano, and John Lauder. Exhibited, and read a 4th. time.

Between George Torriano, and John Lauder of Fort St. George Merchts. Complaints.

&

Capt. Roger Laye of the same Place, Mariner Defendant

Further day is given unto the Defendt. untill the next Court Day to answer the Complainants Bill, and in Default of answer Judgment will be given for the Complainants.

Petition of Samadrue Exhibited and read a 2d. Time.

ORDERED that what Effects the Register has in his Custody be sold at Publick Outcry.

Petition of Maria Duverger Exhibited, and read a 3d. time.

The answer of Father Thomas Capuchin Curate, and Minister of ye. Catholick Church of Madrasspatnam, Exhibited, read, and Filed. That this Defendant Saveing to himself all benefitt of Exceptions to the Errors, and Imperfections in the said Bill Contained say, that being Curate, or Minister of the Church of the Catholicks of Madrasspatnam it belongs to him according to his Laws to take Care of the affairs of Dying Christians, in order to render a Just Accot. to their Friends, and relations, when they are absent as it frequently happens in these Countrys, that Maria Duverger by the Instigation of some Certain imbroiling Persons, endeavours unjustly to usurp an Estate that does not belong to her, I say that this Widow not having any other Authority Cannot be an absolute heiress to the Effects of her Husband, but only of her marriage Contract, which is Mutuall and is of equal force as well to one as to the other. If she will enjoy as she has hitherto done all the privilidges [*sic*] of this marriage Contract, her husband ought also to have the same Liberty and Enjoy the same Priviledge, since this Contract is Equall to both of them as aforesaid. This Defendant do further say that it is said in the marriage Contract the Person who should Dye first reserves the Disposall of a third part of one thousand Pags. for the good of his Soul. and other Pious work, Leaving the remainder to the survivor, and to shew the authority that the Person who should Dye first pretends to have over this portion of his Goods it is repeated in the same Contract, and said, suppose there be not found among the Couple or Family by the Death of either of them the sum of One thousand Pags. there should be an Estimate made of all that shall be found and the third part shall be upon the account and at the Disposall of ye. Decd. which being granted it Cannot be denied that these 333 Pags., and 12 fans.; which makes a third part of the thousand mentioned in the said marriage Contract do by right belong to the Decd. Duverger, and that his Widow has no authority to Claim or appropriate ye. same, for of two things, one is to be defined, either this marriage Contract is good, and authentick, or Invalid, If it is good, and the Widow has a right to declare herself absolute heiress to all the Goods of her husband by Consequence those that act in behlaf of her Decd. husband have also a Right, and authority for his part to take Possession of his Portion of his Goods which were Reserved by the reason abovementioned, that the Contract is of Equall force to both of them, this Defendt. also says, that if this marriage Contract be not good, he request the favour of this Honble Court to declare it, & then the Widow will be obliged to give an accot. of all the Goods, & Cannot be heiress but to half according to all the Laws of France, Spain, Portugall, &ca. the other half belongs by right to the Decd. relations that are in Europe. It may be said

that 'tis true, and Cannot be doubted that this Portion of 333 Pags. and 12 fans.—belongs and ought to be upon the accot. of the Decd. But since he Died Intestate the Disposall is Doubtfull, and Uncertain, this Defendt. in answer there unto saith, that in all Last Wills, & Testament made amongst the Roman Catholicks Christians, it is sufficient yt. the Testator declares he assigns such a Portion of his Goods, for the good of his Soul, and Pious works, it is understood well enough what it Implies very [*sic*] body knows to what use this Portion of his Goods ought to be applied, there being no need of any other Explanation, and if there be any Difficulty what wee do upon this Occasion is a Little more, or less like to what is Practised in the English Church & this Clause for the good of his Soul, and other pious works, is in such a manner consecrated among us, that it serves to ratifye and authorise the Last Wills, and Testaments in the Conclusion whereof wee usually Read these words " I " will that this my Last Will and Testament be done and fulfilled, the wch. " if it be not of force I will that it may be of force as a Codicill to pious " works " if all these Reasons be not sufficient to Convince this Honble Court, that it belongs to us, and that it is our Right as being Ministers of the Church aforesaid to dispose of these Pagodas 333. 12—which the Decd. Benoist Duverger has reserved by his Marriage Contract and notwithstanding all the rigor of the Laws, This Portion of the Goods of the Decd. belongs to his relations in Europe: this Defendants therefore Prays that the sum of Pagodas 333. 12.–. be Deposited in his hands to do what should be Right, & reasonable, and further this Defendt. requests this Honble Court will please to Consider that this marriage Contract is in some Measure a Contract, and a Will. It is a contract because it was made as a mutuall agreement between two Persons that were to be married. It is a Will because both of them dispose actually what should be done with their Goods after their Decease, and Determine to what use these Goods should be Distributed, as it may be seen in the Clauses of the Contract; where it is said in the first Place " The Person who shall Dye first may not dispose of more than a third part of one thousand pags." This is the Contract, now what follow has the force of a Will, because he Immediately after added " That this third part of one thousand Pags. shall be, for the Good of his Soul, and other pious works," which this Defendant presumes is as good as a Last Will, or Testament, and it is Certain had Benoist Duverger made a will it Could not be Explained after another manner upon this matter Like as when he said About Issue. I declare they are my heirs as well in Europe as in India, and that then my Wife cannot be heiress, Except to half of the Goods that shall be found in India, all these things being an absolute Determination by the Consent of Both Parties. This Defendt. saith it hath the force of a Testament, and further this Defendt. saith had Benoist Duverger said in his marriage Contract these Words The first that shall Dye first cannot dispose of more than a third part of one thousand Pags. without adding anything else. This Defendt. declares that not withstanding the right he might have yet had according to their Laws he would not have acted any way soever, but would have left all to the Will & disposall of the Widow, But because he added and said that this third part of one thousand Pags. is For the good of the Soul and other pious Works This being an absolute Determination is as good as a Last Will, and Testament, and belongs to the ministers of this Church to prevent the Widow usurping of this Portion of the Goods, which the Decd. has reserved for himself for the good of his Soul, and other pious works, and to afford our Assistance to the End the Last Will of the Decd. may be performed.

Father Thoms. Capuchin Produces the Govr. and Councill of Pondicherys oppinion of this Affair which he desires may be read. The Governour, & Councill of Pondicherry's Oppinion of this affair read, wherein they say as follows: Having read the said marriage Contract, wee give our Oppinion, that although it be not specify'd there shall be a Community of Goods between

the Bargainers yet for all that the said Community subsist and takes place (no Clause being found to the Contrary) and that Consequently if no mutuaable gift had been specify'd by the said marriage Contract, there should be an Inventory made of all the goods of the Community by the Death of ye. said Duverger, having in the first Place taken the Widow's Oath, whereby she was obliged to give an Accot. of all the Goods, without withdrawing or absconding any thing, submitting herself (if any thing should be found to the Contrary) to the punishments established in such a Case to the End that half of the Goods Specify'd in said Inventory may be given her as holding the goods in Common, all Debts in the first place being paid, and the other half to the heirs of her Decd. husband. Touching the Clause of the said marriage Contract to hereby 'tis said that the Decd. Duverger has reserved the Disposall of a third part of one thousand Pagodas for the good of his Soul, and other pious works, if this disposall had not been made by the said Duverger who Died Intestate had it been a mutual gift, or any other specify'd by the said matrimoniall Contract, this Clause might take place, and our Oppinion is that in such a Case This third part of one thousand Pags. belongs to the heirs of the said Duverger.

It is the Opinion of the Judges upon the Bench that the Portugueze Church has no right or Title to the Pags. 333.12–stopped by Father Thomas Capuchin on Accot. of the said Benoist Duverger.

Mayors Court at Madraspatnam.

Between Maria Duverger of Fort St. George Complainant.

&

Father Thomas Capuchin of the same Place Defendant.

This Cause Coming this 10th day of Novr. Anno Domini 1727 to be heard, and Debated before the Clerks on both sides, and upon hearing the proofs taken in this Cause, and upon Examination had of the matters in this Cause, and due Consideration thereupon, This Court doth think fitt to order, and Decree, and doth accordingly order and decree that Father Thoms. Capuchin do pay to Maria Duverger the sum of Pags. three hundred, thirty three and twelve fans., being so much which he has stopped out of the Estate of Benoist Duverger Decd., and that Maria Duverger be summoned to appear next Court day in order to take out Letters of Administration.

Appeal'd to the Govr. & Council.

Petition of Aaron Franks &ca. Creditors Exhibit'd, & read a 2d. time.

The Register Acquaints the Court, that According to their orders he had spocke [*sic*] to Mrs. Rebecca Fullagar, Concerning the Demand made by Capt. Isaac Hanson's Creditors, desiring his two Houses might be sold at Publick OutCry who reply'd that the rent of those Houses she paid away towards the maintenance of his Wife, and Children, and that if the Court sold them, his Family must starve, for she had not any thing else in her hands. Therefore desired that the Court would defer selling the Houses till the China Ship Arrived, for she then Expected Advices from Capt. Hanson.

Agreed, and ordered that the Houses belonging to Capt. Issac Hanson, be Deferred selling till advices arrives from China Severall Complaints being made abot. the Quantity, and Quality of Bread and that the Bakers abuse the Inhabitants therein, one of the Court, Serjtts. is now Ordered to goe Directly to all the Baker's Houses, and bring their Bread along with him to Court.

The Court Serjtt. returns with severall Basketts of Bread, and it appearing to this Court that the Breads made by Moortapillah Moortepah, and Allagapah to be very bad, The Register is ordered to summon the 3 abovenam'd Bakers to appear next Court Day.

Ordered also that all the Bakers in Generall be Summoned to appear next Court Day.

AT A COURT HELD AT THE TOWN HALL ON FRYDAY THE 17T OF NOVEMBER 1727.

Present

JOHN POWNEY ESQR. *Mayor.*

FRANCIS ROUS. THOMS. WESTON,
LEWIS D'MADERAS, WILLIAM MONSON JOHN BULKLEY, AND THOMAS NORMAN,
Aldermen.

Petition of George Torriano, and John Lauder, Exhibited, and read a 5th. Time. The answer of Nics. Morse, Attorney for Capt. Roger Laye, Exhibited, read, and Filed, that this Defendt. saving to himself All Benefitt of Exceptions to the Errors, and Imperfections in the Said Bill contained for answer thereunto say, that the Complaints. having Demanded of Capt. Roger Laye Commander of ship Peter's Field the Ball [*sic*] of Goods mentioned in the Bill of complaint he this Defendt. desired the Sd. Capt. Roger Laye not to deliver the Ball, till he Received further orders from him, and the reason yt. Caused this Defendt. to Act in that manner is: That this Ball came up from Bengall Consigned to Mr. Richard Carter from Mr. Willm. Hastoll wth. Directions from him to the said Carter to make good the Amount of its Cost to his Acct. with Mr. Carter, and this Defendt. (being the Attorneys of the said William Hastoll) But Mr. Carter having left this Place, and the Persons Employed in the management of the said Carter's Affairs unwilling to Comply wth. the Order of the Lettr. Received from Mr. Hastoll by paying it's Cost, this Defendant therefore requests that on the delivery of the Ball, according to the Bill of Loading insisted upon by the Complainants, that this Honble Court will order that the Complainants be accountable for the sd. Ball, or the produce thereof this Defendt. Expecting to have accots. in a short time from Messrs. Hastoll and Carter, when he shall pray a further hearing in this Cause before this Honble Court.

The Judges that are now Present upon the Bench are of opinion, that as Mr. Carter became Insolvent before the Ball of Good sent up here by Mr. Hastoll was Laden on Board ship Petersfield, it ought to be Delivered to Mr. Hastoll's Attorney here.

MAYORS COURT AT MADRASPATNAM.

Between George Torriano, and John Lauder of Fort St. George Merchts. Complainants.

and

Roger Laye of the same Place Marriner Defendant.

This Cause Coming this 17o day of Novr. Anno Domini 1727 to be heard, & debated before, ye. Clerks on both sides, and upon hearing the proofs taken in this Cause, and upon Examination had of ye. matters in this Cause, and due Consideration thereupon thsi Court doth think fitt to order, and Decree, and doth accordingly Order, & Decree, that the Ball of Goods sent up here by Mr. Hastoll be delivered to his Attorney here, and that Mr. Carter's Estate do pay the wholl Charges of Suite.

APPEALED TO THE GOVR. & COUNCILL.

The Register produces a Demand made by Michael Jedderee upon the Estate of Stepen Jedderee for Sps. Drs. 75.1.81. Agreed, and Ordered that the Demand be paid.

Petition of Mootu Vencattee Chittee Exhibited, and read a 4th. time.

The answer of Domingos Alvez Defendt. Exhibited, read & Filed, that this Defendt. saveing to himself all benefitt of Exceptions to ye. Errors, and Imperfections in the said Bill Contained, for Answer thereunto say: That true it is that this Defendant Borrowed at Respondª. at the Complainant the sum of Fivety Pags. to Junckceylone, and back again; That this Defendt. was drove, and forced away from his trust and office, and afterwards missused and Barbarously treated by the Complainant's son Tagapah Chittee on Accot. the Respondª. (now indispute) taken up by this Defendt. of the Compt. as aforesaid and all his Goods, Merchandize, & Effects were Seized upon by the Said Tagapah Chittee accot. the said Bond as the Complainant himself (in part) acknowledges in his Bill of Complaint to this Honble Court where he says " He has only recd. twenty Eight Pags. paid by this Defendt. when at Junkceylone. This Defendt. further saith that there are five months arrears of Wages due to him from the Compt. for the Ships Service, which at the rate of six Pags. ℔ month, amounts to thirty Pags., and this Defendt. doth Likewise aver that he did the Complainants business ashore at Junkceylone after the Said Ships Departure till his Arrivall this year at Madrass, during all which time he this Defendt. was in the Complainants service, and hath recd. no pay which was for ye. space of a Year, or thereabot. which at the rate of six pags. ℔ month will amot. to seventy two Pags. so that after the Deducting the Principall Respondª. and the Interest, as also the twenty Eight Pags. the Complainant himself acknowledges in his Bill of Complaint to have recd. in part there will become due to this Defendt. a Ballance of Thirty Pags. or thereabots., Therefore Prays to be hence Dismissed wth. his reasonable Cost, and Charges.

Repondentia Bond Produced, and read, which the Defendant acknowledges to be his hand signing.

MAYORS COURT AT MADRASPATNAM.

Between Mootee Vencattee Chittee of Fort St. George Mercht. Compt.
&
Domingoes Alves of the Same Place marriner Defendant.

This Cause Coming this 17o day of Novr. Anno Domini 1727 to be heard, and debated before ye. Clerks on both sides, and upon hearing ye. proofs taken in this Cause, and upon Examination had of ye. matters in this Cause, and due Consideration thereupon this Court doth think fitt to order, and Decree, and doth accordingly order, and Decree, that Domingos Alvez do pay ye. amot. of his Respondª. Bond with Charges of Suite.

Petition of Coropah Chittee, Exhibited, and read a 3d. time.

The Answer of Vencaty puttee Exhibited, read, and Filed, that this Defendt. saving to himself all benefitt of Exceptions to ye. said Bill Contained say, that he should be Glad if the Compt. would Lay before this Honble. Court in what manner he this Defendt. is indebted to him, the sum of three hundred, and Fivety Pags., he this Defendt. denying that he Owes him any money But on ye. Contrary he Can prove the Complainant indebted to him in a much greater sum, therefore Prays to be hence dismissed with his reasonable Cost and Charges unjustly sustained.

Between Corpa Chittee of Fort S^{t}. George Merchant Complainant.

&

Vencatty Puttee of the same Place Merch^{t}. Defendant.

Day is given to the Plaintiff untill y^{e}. 25 Ins^{t}. to prove his Demand.

Maria Duverger being summoned by an Order of Court made the 10th. Instant appears Accordingly, upon which she requests the favour of this Honble Court to grant her Letters of Administration.

Her request granted, and the Court Order that she do give security, for y^{e}. due administration of y^{e}. Goods Cattles and Effects of Benoist Duverger Dec^{d}.

Maria Duverger request the favour of this Honble Court to Let her deposite in their Cash the sum of Pag^{s}. 333. 12.–. being so much which she is abo^{t}. to receive of Father Thom^{s}. Capauchin by an order of Court made y^{e}. 10th. Ins^{t}. on Acco^{t}. of the Estate of Benoist Duverger.

AGREED that she do pay the same into our Cash.

Mootapilla, Moortepah, and Allagapah Bakers being summoned by an Order made the Last Court day, appears accordingly.

Ordered that the three abovenamed Bakers be Fined five Pag^{s}. each upon which the Court order that the Interpreter do acquaint all y^{e}. Bakers that were summoned, and are now present that the occasion of y^{e}. Finity [*sic*] the 3 abovenamed Bakers was upon account of their not making Bread according to the standard, Therefore they are ordered to take Care that they do not does the like, but make Bread according to the Standard, being 1/3 Surrat Wheat & 2/3^{ds}. Bengall Wheat.

Memorandum that on the 18th. day of November Anno Domini 1727 Sattena, and Narrain of Fort S^{t}. George Merch^{ts}. in their proper Persons Came before John Powney Esq^{r}. the Mayor of Madrasspatnam, and undertook that Vencattee Puttee of Fort S^{t}. George Merch^{t}. should abide by and performe such finall order and Judgment as should be made or given by the Mayors Court of Madrasspatnam in a Certain Cause wherein Corpa Chittee of Fort S^{t}. George Merch^{t}. is Complainant, and the s^{d}. Vencattee Puttee Defendant, or should abide by such finall order and Judgm^{t}. as should be made or given upon any Appeal to be Bro^{t}. in the s^{d}. cause, or should surrender himself to the said Court to be Charged in Execution till y^{e}. said order or Judgment should be satisfy'd or performed, or in default thereof that wee the s^{d}. Sattena and Narrain would do y^{e}. same for y^{e}. said Vencattee Puttee.

AT A COURT HELD AT THE TOWN HALL ON TUESDAY THE 28TH. OF NOVEMBER 1727.

Present

JOHN POWNEY ESQ^{R}. *Mayor.*

FRANCIS ROUS, AND THOMAS NORMAN,

Aldermen.

Petition of James Hubbard Exhibited read, and Filed Sheweth that Coja Mana Sattunda Late of Madraspatnam Merch^{t}. being indebted to the Estate of Coja Phanose of Bombay Dec^{d}. the sum of four thousand one hundred Rup^{s}. Principall money besides the Interest thereon, which your Orator is Empowered by y^{e}. Executors of y^{e}. said Phanose to Demand, and recover from the said Coja Mana Sattunda, and in their behalf humbly request a Gen^{ll}. relief touching the Premises.

Ordered that Caja Mana Sattunda be summoned to answer the Bill of Complaint the next Court day.

The Judgment of ye. Court of Appealls between Domingos Alvez and Tagapah Chittee Read.

Tagappa Chittee Appellt. *versus* Domingos Alvez Defendt. } JUDGMENT

Upon Comparing these resolutions it appeared that ye. Appellt. Tagapah Chittee is justly indebted to the Defendt. Domingos Alvez in the sum of Fivety two Pags. Nine fans., which sum the Court award to be paid to the said Domingos Alvez, and that the Cost of Suite, both in this, and the Mayors Court be Equally divided between the two parties Tagapah Chittee, and Domingos Alvez, and that the Jarr of Oyll be Delivered to Domingos Alvez.

This is a true Copy of ye. Original record

GEORGE TORRIANO,
Cl. of ye. C. of Applls.

The Judgment of the Court of Appeals between Father Thos. Capuchin and Maria Duverger Read.

Between Father Thomas Capuchin Apellant
&
Mary Gillty Widow of John Duverger Benoist Defendant. } JUDGMENT

The Court having thoroughly Considered the tenour of the aforesaid Petition, and answer, as also the proceedings of the Mayors Court, and other matters Laid before them came to the following resolutions.

That there is nothing in this Contract of Marriage which divest how the Estate shall be disposed of, and Consequently that it is to be done agreable to the Provision made in such a Case by Law.

That the abovesaid John Duverger Benoist not having Left any Children the said Estate is by Law to be divided the one half of ye. Widow, and the other half to the nearest of kin to the Deceased in Equall degree.

That the three hundred thirty three Pags. twelve fans. wch. the Decd. was by Contract of Marriage permitted to give away for pious uses, not being so given away they remain to the Estate, & are to be divided wth. the rest, and that ye. Estate do pay the Charges.

Ordered that this resolutions be Immediately signify'd to the Honble the Mayors Court that they may proceed herein agreable to the Charter, and if the Widow Can not find sufficient security that they appoint persons to take an Inventory of ye. Estate, and do secure one entire half of ye. wholl [*sic*] for the relations in Europe.

A true Copy

GEORGE TORRIANO,
Secretary to the Court of Appealls.

Extract of an Order made at the Court of Appealls the 20th. of November 1727 read.

Ordered that it be a Standing Rule of Practise, for the Mayors Court that in all Administration Bonds, they do oblige the administration to pay the Ballance of all Intestate Estates, which shall remain in their hands after Debts in India are discharged into ye. Company's Cash to be by them paid to the Legall Claimants, unless such Claimants are upon the Place, or proper powers from them, in wch. case the Administrators may pay the same.

By order of the Court
GEORGE TORRIANO,
Secry.

ORDERED that the Charter be Examined into against ye. next Court day.

Petition of the Revd. Mr. Thomas Wendey, Exhibited read, and Filed, shewing that he Lately Exhibited a Bill of Complaint in which he sett forth that he did in Own wrong pay a Considerable Sum of Money as part as Commission drawn upon the Estate of Francis Hasting Esqr. Deceased to Mr. George Tullie Late of Fort St. George merchant praying an Equitable relief from this Honourable Court touching the Premises, and this Honble Court having upon due Examination of the Case, Ordered and Decreed that therefore a proportion of the Dividends made of the Estate of the said George Tullie be paid into the Cash of your Honourable Court, Your Orator with due submission Request that the said Dividends may be deposited in his hand to Extenuate the Loss suffered by your said Orator from the abovementioned payment of Commission to Mr. George Tullie, he giving sufficient security for ye. repayment of the said Dividends in Case the heir of the abovementioned Francis Hastings Esqr. shall allow the full Commission as drawn, or if it be hereafter Legally adjudged that the aforesaid share of Commission did of right belong to the said George Tullie, and was not paid in your Orator's Own wrong.

Ordered that this affair be Deferred till the next Court Day.

Petition of Corpa Chittee, Exhibited and read a 4th. time.

The answer of Vencattee Puttee Exhibited, and read a 2d. time.

Between Corpa Chittee of Fort St. George Mercht. Complainant.

&

Vencattee Puttee of the same Place Mercht. Defendt.

This affair is Deferred till the next Court day.

Petition of Vencatty Puttee Exhibited read, and Filed, shewing that your Orator's Father being very Intimate with one Corpa Chittee of Fort St. George Merchts., he did Instruct [*sic*] him the said Corpa Chittee with a Quantity of Gold, which he your Orator's Father had brot. with him from Cudda it being one Jarr Conta. Gold Dust value abot. fiveteen hundred Pags., as your Orator is well Informed as also two Wiss, & one seer of Gold of Five touch, the produce of all which your Orator hath often times demanded of the said Corpa Chittee, but was putt of from time to time, till abot. five Years agoe, Your Orator made a complaint, to Mr. Hubbard one of the Justices of the Choultry, who ordered them to decide it by arbitration, and your Orator further sheweth unto this Honble Court, that when this affair was under the Inspection of ye. Arbitrators, he the said Corpa Chittee deny'd, that he ever received any Gold from your Orator's Father, But when the Arbitrators told him he must take his Oath of it, he then Confessed, that he had received a small matter, and accordingly produced a small peice of Gold, which was delivered then into the Choultry, after he had deny'd his ever receiving any Gold for many Years. Your Orator Therefore Prays a Generall relief touching the Premises. Ordered that Corpa Chittee be summoned to answer the Bill of Complaint the next Court day.

Between Vencatty Gongo, Conachema &ca. Vencatumma of Fort St. George Compts.

and

This affair is Deferred till the next Court day Decr. ye. 1st.

This affair is Deferred till the next Court day.

An Execution Warrant taken out against Domingos Alvez for Pagodas 80 Eighty Pagodas.

AT A COURT HELD AT THE TOWN HALL ON TUESDAY THE 5TH. OF DECR. 1727.

Present

JOHN POWNEY ESQR. *Mayor.*

THOMAS WESTON, AND THOMAS NORMAN,

Aldermen.

Agreed, and ordered that the Register do take an Inventory of the Goods Chattles and Effects of Benoist Duverger Decd. that this Court, may Judge what security will be sufficient for the administratrix to enter into.

Petition of James Hubbard Exhibited, and read a 2d. time.

Summons returned, on Est Inventus.

Petition of John Lauder &ca. Creditors of Stephen Orme Deceased, Exhibited, read, and Filed shewing that the Estate of Stephen Orme deceased is Considerably indebted to the Owners of the Tartar Briggantine, and to severall other Gentlemen who Lent the said Stephen Orme money at respondentia, and it appearing to your Orator's, that the said Stephen Orme was Concerned in the stock, and block of ship Samuell there having been a dividend of Pagodas 866. 7 and rups. 671. 11. 3 paid into the Late Worshipll. Mayors Court of this Place on accot. of that Voyage by Nathaniel Elwick Esqr. late of this Place, which sums your Orator observes by the Ledger belonging to this Honble Court have been Carried to the Creditt of Alexander, and Stephen Ormes Accot. being their Proportions of Pags. 12895. 17. 20 and of Rups. 10000. – – Divided amongst the Owners of the ship Samuel, But that Stephen Ormes Proportion of ye. aforesaid dividend has never been Carried to the Creditt of his Account as will fully appear by the Court Ledger reference being had thereto; Your Orator beggs Leave to represent further to this Honble Court, that they find there has been two other Dividends made to the Owners of the ship Samuell Vizt. One in Aprill 1724 of Pags. 8038. 21. 36 whereof Alexander, and Stephen Ormes Proportion is Pags. 566. 8. 27 and another in May following of Pags. 988. 14. 32; whereof Alexander, & Stephen Ormes proportion is Pags. 70. 12: The amot. of both which Proportion is Pags. 636. 2. 27 which sum your Orators humbly Conceives ought to have been paid into this Honble Court long since as well as the first Dividend, but since upon Examining the Court Ledger your Orators finds it does not appear ever to have been paid into the Court Cash, your Orators therefore humbly Prays that this Honble Court as Administrators to Stephen Orme will Call for the said sum with Interest thereon, from the time that it ought to have been paid into the Cash of this Honble Court and that a Dividend thereof together with the Pags. 866. 7 and Rups. 671. 11. 3 may be according to Equity made amongst the Owners of the Tartar Briggantine and the Respondentia Creditors of the Deceased Stephen Orme, they having already been Large Sufferers by having been detained out of this money now almost four Years, and your Orator further shew unto this Honble Court, that as the Late Worshipll. Court of this Place acted as Administrators to Stephen Orme deceased, the Owner of ye. Tartar Briggantine, and Creditors of Stephen Orme Decd. have thereby been deprived of making any demands, otherwise then [*sic*] by means of ye. Late Worshipll. Court and it Appearing to your Orators by the Journall belonging to the Decd. Stephen Orme now in this Honble Court that there remains due to his Estate from Alexander Orme a Ballance of Rups. 5022.12.2. Your Orator beg Leave for the more Immediate View of this Honble Court, to Lay a State of the Accot. between them before you as he find it in the Deceased Stephen Ormes Journall Vizt.

Dr.	Alexander Orme to Ye. Estate of Stephen Orme							
1729								
Janry. 21st. ..	To sundry Left wth. him to be disposed of Vizt.				By rice for 100 bags ..	302	8	0
	Ophium 8 Chests @ Rups. 390 ℔ Chest	3,120	0	0	By Ballance.	5,022	12	2
	Hummums Damaged 57 ps.	150	14	11				
	Gurrahs do. 1 ps. ..	1	12	0				
	Chittegong Sannoes 9 ps. ..	10	5	7				
		3,483	0	6				
	To Raw silk for 3 bas. sold to him	1,842	3	8				
	Rupees ..	5,325	4	2	Rupees ..	5,325	4	2

Besides which Ballance it further appears to your Orators by the Decd. Stephen Ormes Journall, that the following Persons are Indebted to his Estate Vizt.—

John Erasmus for 6 Chests of Ophium the produce of which, he had orders to remitt to Mr. Alexander Orme the Amount is Rupees ..				2,340	0 0
Stephen Law for 4 Chests of Ophium @ 450 Rupees each				1,980	0 0
William Spinkes Vizt.					
To stock for the Ballance of his Accot. of this day date	231	10	0		
To Gold Doorias	225	0	0		
				456	10 0
Rupees ..				4,776	10 0
which wth. Mr. Alexander Ormes Ballance being ..				5,022	12 2
makes Rupees ..				9,799	6 2

which sum the Creditors of the Deceased Stephen Orme, are likely to loose unless this Honble Court will as being his Administrators oblige Alexander Orme (in Case it has not been already done) to come to a just, and true Accot. with the Decd. Stephen Ormes Estate, now your Orators Conceive it will easily appear to this Honble Court how Tardy Alexander Orme has been in this affair, and also how frivilous his pretensions are, in relation to what he urges abot. Stephen Ormes being indebted to him, for your Orator do not find that he has ever so much as tendered any one Vouchier [*sic*] for his Demands, so that if the accot. between them be fairly stated, wch. way can Stephen Orme be in Alexander Ormes Debt, for it is evident from his own Accots. that he has never given Stephen Orme Credit for the Ballance of Rups, 5,022.12.2 neither has he yet accounted for the Rups. 2,340 – – which John Erasmus was ordered to remitt to him, he being Stephen Orme's Attorney. It is also Probable he might have recd. the Rups. 1980, from Mr. Law, for he has never denied it, but on the Contrary declines Answering any Letters which is a Strong presumption, wch. wee must submitt to the Judgment of this Honble Court, and as for Mr. Spinkes Debt it does not appear to have been ever discharged. Your Orators therefore Prays. to take the Premises into Consideration, and to Cause the amount of ye. three Dividends of ship Samuel, which ought now to be in the Cash belonging to this Honble Court to be forthwith divided according to Equity, and further to take such measures as may prevent the Creditors from being defrauded of ye. Rupees 9799.6.2.

Ordered that the Attorneys of Nathaniel Elwick Esq^{r}. be summoned to appear the next Court day.

The Late Worship^{ll}. the Mayors Court having severall times wrote to M^{r}. Alexander Orme Chief of Anjengo desiring he would send them (as they acted as Administrators to Stephen Orme's Estate) all Books Paper &c^{a}. any way relating to the Deceased Stephen Ormes Estate that were in his Custody as also that he would send in his Acco^{t}. Curr^{t} with Stephen Orme, but as he never Answered any of their Letters, and the Creditors now requesting a Dividend may be made of his Effects, supposing the Late Worship^{l}. Court has received severall sums of Money that were due to him upon the Mallabar Coast, This Honble Court do now order (as they are Administrators to his Estate, and supposing that M^{r}. Alexander Orme will serve them after the same manner) that the register do write a Letter to the Court of Bombay desiring them to Call M^{r}. Alexander Orme to Acco^{t}. with the Deceased Stephen Orme's Estate, and that whatever Accounts he deliver them they do oblige him to swear to the truth of them, and that they do transmit us the same by the first Conveyance.

Ordered that the Register do Lay before this Honble Court the first Court day of every month a state of the Deposited Estates, and Corporation Cash.

Petition of Thomas Wendey Exhibited, and read a 2^{d}. time.

His Request not Granted this Honble Court, not thinking themselves secure if they should part with the money Lodged by M^{r}. Tullie's Executors as there has been an order of Court already made for the same to Lye in their Cash.

AT A COURT HELD AT THE TOWN HALL ON FRYDAY THE 15 DEC^{R}. 1727.

Present

JOHN POWNEY ESQ^{R}. *Mayor.*

FRANCIS ROUS, PAUL FOXLEY, AND
THOMAS WESTON, THOMAS NORMAN,
WILLIAM MONSON, *Aldermen.*

Petition of John Lauder &c^{a}. Creditor of Stephen Orme Dec^{d}. Exhibited, & read a 2^{d}. time.

The Attorneys of Nathaniel Elwick Esq^{r}. (Mess^{rs}. George Torriano and Samuel Parks) appears according to summons.

M^{r}. Torriano desiring a Copy of the Creditors Bill of Complaint in order to answer the same the next Court day.

Ordered that the Register do serve him with a Copy of the Creditors Bill of Complaint.

Between John Lauder &c^{a}. Creditor of Stephen Orme Dec^{d}. Comp^{ts}.

&

George Torriano, and Samuel Parks, Attorney of Nathaniel Elwick Esq^{r}. of Fort S^{t}. George Merchants Defendants.

Further day is given unto the Defendants untill the next Court day to Answer the Comp^{ts}. Bill.

Petition of Nathaniel Turner, Exhibited, read, and Filed, shewing that William Dutton Late of Fort S^{t}. George, Dying Intestate his money, and Effects were taken Care of by the Late Worship^{l}. the Mayor's Court who on

or about the month of July in the Year of our Lord 1720 divided part of the Deceased Estate amongst his Creditors herein Fort S^{t}. George, and reserved the sum of Pagodas 304, or thereabo^{t}. in case there should be any other Creditors in England, and your Orator further sheweth unto this Honble Court that as there has been no Demands from England made he in behalf of his Constituent Francis Hugonin humbly Conceives it now proper to apply to this Honble Court for an order for the payment of such a sum from out the aforesaid Deposit of 304 Pagodas as will Discharge in full the Principall with Interest of y^{e}. Bond.

Court Ledger Produced where it appears the Ballance of M^{r}. Dutton's Estate w^{a}s paid away amongst his Creditors June the 24^{o}. 1720 whereof M^{r}. Francis Hugonin then Came in for his proportion.

Petition Dismissed.

Complaints being made about the Quality of Bread, and that the Bakers still continue to abuse the Inhabitants therein thô there were Lately some find for it, Bread was produced of Murtepa's making, which appearing not to be according to the standard.

Ordered that he be fined 2 pag^{s}. and Confind till he pays the same.

Petition of Vencatty Gongo, Conachema &c^{a}. Vencatumma Exhibited and read a 5^{o}. time.

Answer read a 2^{d}. time.

Interrogotaries on the p^{t}. of the Comp^{ts}. read, and Filed.

Depositions of Witnesses on the part of the Comp^{ts}. read, and Filed to 5 People.

Interrogotaries on the part of the Defend^{t}. read, and Filed.

Depositions of Witnesses on the part of the Defend^{t}. read, and Filed to seven People.

List of Effects produced, and read.

Ordered that the same be translated against the next Court day.

Between Vencatty Gongo, Canachema &c^{a}. Vencatumma of Fort S^{t}. George Comp^{ts}.

and

Mangalapore Paupia of the same place Defendant.

This affair is Deferred till the next Court day, and the Attorneys Ordered to get their Witnesses, and everything else ready against the same.

Petition of Charles Peers, Exhibited read, and Filed.

Requesting an order for the sale of two Houses, and Gardens mortgaged to him by Nellacanta Ragana of Triplicane Painter for and in Consideration of the sum of 250 Pagodas.

Mortgage Bond produced, and read.

The time for payment of the money being Elapsed.

Ordered that the Houses and Gardens be sold in ten days from the date hereof, if the mortgage Bond be not discharged in that time and that the register affix a note at the Sea Gate to advise thereof.

Petition of Vencattee Puttee, Exhibited, and read a 2^{d}. time.

The Defendant Corpah Chittee appears according to summons.

Ordered a Copy of the Bill of Complaint.

Between Vencattee Puttee of Fort S^{t}. George Merchant Comp^{t}.

&

Corpa Chittee of the same Place Merchant Defendant.

Further day is given unto the Defendant untill the next Court day to answer the Comp^{ts}. Bill.

Warrant of arrest taken out, and served against Corpa Chittee. 18th.

Memorandum that on the 18th. day of December Anno Domini 1727 Bashua Chittee of Fort S^{t}. George Merchant in his proper person came before John Powney Esq^{r}. the Mayor of Madrasspatnam and undertook that Corpa Chittee of Fort S^{t}. George Merchant should abide by and perform such finall order, and Judgment as should be made, or given by the Mayors Court of Madrasspatnam in a Certain Cause wherein Vencatty Puttee of Fort S^{t}. George Merchant is Complainant and the said Corpa Chittee is Defend^{t}. or should abide by such finall order and Judgment, as should be made or given upon any Appeal to be brought in the said Cause or should surrender himself to the said Court to be Charged in Execution till the said order or Judgment should be satisfied or perform'd, or in default thereof that he the said Bashua Chittee would do the same for the said Corpa Chittee.

AT A COURT HELD AT THE TOWN HALL ON TUESDAY THE 19^{o}. DECEMBER 1727. TUESDAY.

Present

JOHN POWNEY ESQ^{R}. *Mayor.*

FRANCIS ROUS, THOMAS WESTON, WILLIAM MONSON, JOHN BULKLEY, EDWARD BRACKSTONE, PAUL FOXLEY, AND THOMAS NORMAN *Aldermen.*

Mess^{rs}. Stephen Newcombe, and Ralph Mansell Sworn, appraisers.

Agreable to an order of Court made the 5^{o}. Instant the register delivers in a List of John Duverger Benoist's Goods, and Effects.

Ordered that Mess^{rs}. Stephen Newcombe, and Ralph Mansell sworn.

Appraisers do appraise the Goods, and Effects of John Duverger Benoist, and that they do deliver into this Honble Court an acco^{t}. of the same as soon as they Can Conveniently.

Petition of Vencattee Gongo Conachema &c^{a}. Vencatumma Exhibited, and read a 6^{o}. time.

Answer read a 3^{d}. time.

M^{r}. Mansell Attorney for the Defend^{t}. (Mangalapore Paupia) produces an Attested Copy of the List of Effects he was ordered to get Translated which is now read.

Severall Persons appears who acknowledges that they signed to Originall List of Effects now produced, and that the same was a Just & true account of Pangalette's Effects to the best of their knowledge.

This Honble Court desires to know if any one Can inform them if Pangalattee Left a Will behind him, and in whose hands it was now in.

Mr. Charles Gee in behalf of the Compts. acquaints the Court that he has now a Copy of Pangalatee's Will by him which he is ordered to produce.

Copy of the Will produced, and read, wherein there is no mention made of any Particular sum or sums of money given away by the Deceased, only that one Vencattee an adopted son shall come in for an Equall proportion of his Estate wth. his naturall Children.

MAYOR'S COURT AT MADRASSPATNAM.

Between Vencattee Gongo, Conachema &ca. Vencatumma of Fort St. George Complainants

and

Mangalapore Paupia of the same Place Taylor Defendant.

This Cause Coming this 19th. day of December Anno Domini 1727 to be heard, and debated before the Clerks on both sides, and upon hearing the Proofs taken in this Cause, and due Consideration thereupon this Court doth think fitt to order, and Decree, and accordingly order, and Decree, that Mangalapore Paupia do go to Triplicane Pagoda and swear in the most solemnest manner his Religion allows of, that the List of Pangalate's Effects which is now produced in Court was taken the first time of his opening the Decd. Pangalates Chest & that it was also taken in presence of the severall Witnesses which are now present he is Likewise ordered to deliver to the Compts. all the Jewells he received belonging to Pangalattes Estate, and to swear to ye. truth of what he so Deliver Paying also the sum of Pags. 36. 19. 75 being the Ballance of his account, and that the Plaintiffs do pay all Charges of Suite.

Petition of John Lauder &ca. Creditors of Stephen Orme Deceased, Exhibited, and read a 3d. time.

The answer of George Torriano, and Samuel Parks, attorneys of Nathaniel Elwick Esqr. Exhibited, read, and Filed, that these Defendts. saveing to themselves all benefitt of Exception to the Errors, and imperfections in the said Bill Contained for answer thereunto say that this Defendants do not know what, or what manner of Accounts may be depending between Alexander Orme, and Stephen Orme but that they do believe there may Possibly be demands from the one to ye. other, that they these Defendants do believe the Estate of Stephen Orme is indebted to the Owners of the Tartar Briggantine, as also to severall Persons who Lett the said Stephen Orme money at respondentia but these Defendants do deny that it appeareth the said Stephen Orme was Concerned in the stock, and block of ship Samuel for although they do allow that Nathaniel Elwick Esqr. did make a Dividend of Pagodas 866. 7 and Rupees 671. 11. 3 part of the said Ship's Stock and pay the same into the Cash of the Late Worshipl. the Mayors Court as belonging to Alexander, and Stephen Orme Joyntly and further that the said Nathaniel Elwick did make two other dividends of the said ship's Stock, and did Place in his Books the sum of 636. 20. 27 to the Credit of the said Alexander, and Stephen Orme for their Proportion of the said two Dividends, yet these Defendants do deny that any part of the same doth belong to the said Stephen Orme as in the sequell of this Answer they hope fully to make appear these Defendants do further say that it doth not appear by the Decd. Stephen Orme's Books that Alexander Orme is indebted to him the sum of five thousand, and twenty two rupees 12 annas and 2 pice as is sett forth in the Bill of Complaint and for Proof these Defendants say that by Stephen Ormes Books it appears that Stephen Orme doth Charge Alexander Orme the sum of 3283. 0. 6 as the prime Cost of Goods Left in his hands to be disposed of, and as a Factor is not Accountable for the price putt on the Goods left with, or Consigned to him, but only

for the produce of the same it is not agreable to reason to Charge the said Goods to the account of Alexander Orme since it is no where to be proved that he has sold the same & although the Late Worship^{l}. Court did order their Register to write to the said Alexander Orme demanding an Acco^{t}. of the proportion w^{ch}. Stephen Orme held in the Samuel, yet it doth not appear that they ever demanded any other account from him, and therefore his not having given any acco^{t}. of the said Goods Left with him, is no Contempt of the Court or dilitoriness of the said Alexander Ormes since his having answered to what was Demanded of him is a good argument to prove he would have answered anything more if it had been asked of him, and further these Defendants do say that the Acco^{t}. stated in the Bill of Complaint is wrong Cast up Two hundred rup^{s}. to the prejudice of the said Alexander Orme, and that therefore the Ballance of the said account is no more than 4822. 12. 2 supposing the account to be allowed good as stated in the Bill of Complaint, but if the said sum of 3283 - 6 be deducted out of the beforementioned Ballance there will then remain only 1539. 11. 8 due from the said Alexander Orme, and if this Honble Court think fitt to strike out of the account the sum of 1842. 3. 8 Charged him for three Bales of Raw silk due as these Defendants are informed to M^{r}. Mandeville Bengall & for which the said Mandevill's attorney has received out of the Late Worshipl. Mayors Court a Dividend of the Estate of the s^{d}. Alexander Orme, there will then remain a Ballance of R. 302. 8.— due from the said Stephen Orme to Alexander Orme instead of y^{e}. 5022. 12 due on the other side as is sett forth in the Bill of Complaint, these Defendants do further beg Leave to represent to this Honble Court that it is very unreasonable to Charge the said Alexander Orme with the Debts due from John Erasmus and Stephen Law since there is no manner of Proof that they were ever received by the said Alexander Orme having thus stated these facts these defendants pray leave to draw out and present to this Honble Court an acco^{t}. of this Dispute drawn from the Premises, Viz^{t}.

D^{R}. ALEXANDER ORME IN ACCOUNT WITH THE ESTATE OF STEPHEN ORME. C^{R}.

To Ballance as by y^{e}. Bill of Comp^{t}.	9,799	6	2	By M^{r}. Spinks's Debt which is not directly charged in the Bill of Comp^{t}. to Alexander Orme ..	456	10	0
To Ballance due to Alexand^{r}. Orme ..	302	8	0	By John Erasmus's Debt w^{ch}. doth not appear to have been received by Alexander Orme ..	2,340	0	0
				By Stephen Laws's Debt.	1,980	0	0
				By an Error in Casting up y^{e}. D^{r}. side of y^{e}. Bill of Complaint	200	0	0
				By 3 Bales of Raw silk belon^{g}. to M^{r}. Mandeville for w^{ch}. he has been allowed a Claim in y^{e}. Court	1,482	3	8
				By sundrys left in the hands of Alex^{er}. Orme of which no Account has ever been Demanded, and therefore there is no Account whether they are sold, or not ..	3,233	0	6
Rupees ..	10,101	14	2	Rupees ..	10,101	14	2

So that Alexander Orme is really a Claimant on the Estate of Stephen Orme the sum of Rupees 302. 8—instead of being indebted to it, and these Defendts. having thus answered the Bill of Complaint begs leave to Lay before this Honble Court the state of the affair of ship Samuel and to prove that the said Stephen Orme was not Concerned therein in the Year 1721 Messrs. Alexander, and Stephen Orme Came to this Place in a large Ship called the Lucitanica, which ship they sold to Messrs. Elwick, Benyon, Hugonin, Theobald, and others to these Defendants unknow [*sic*] the said Ship went to Pegue Valued as these Defendants remember at Pags. 8000 wth. a stock of 8000 more to repair, and refitt her, and as these Defendants remember it being so long since, and Mr. Elwick having Carried his Books home, they Can now only rely on their memories the Account stood, one half in the name of Alexander, and Stephen Orme, but by the Account sent to the Late Worshipl. Court by Alexander Orme to be the Same, it appeared, that Stephen Orme did give Alexandr. Orme Creditt in account for the Dividend made of that Ships stock on her return, which Mr. Hugonin did Place to the Creditt of Stephen Orme in Accot. with him by which it is plain that Stephen Orme had no Concern therein but that Alexander Orme bore it All, but it Appearing that the 8000 Pagodas were not sufficient for that ships Disbursements, Alexander Orme prevailed to get an addition on her stock which was 4000 more, and then Stephen Orme did advance 1500 Pagodas in part thereof which sum he was really Concerned in that ship, but at his going afterwards to Anjengo he prevailed on Alexander Orme to take it off of his hands, and accordingly debts him for the said 1500 Pagodas, and gives him Creditt for the Loss being 573 Pags. which Loss the said Stephen Orme bore in Consequence of which his Cousin Alexander Orme took on himself the proportion of the said ships stock for the future, these Defendants having thus stated the Case of the Lucitania proceed to Lay before this Honourable Court the Case of the Samuel. The Lucitania was designed to Pegue to refitt, and from thence to proceed to Bengall, but she Missing her Passage in December 1721 came to this Port, when she was Called the Samuel, Messrs. Orme not having left any Particular Account of their Proportions of the ships stock, Mr. Elwick made the Dividend, and Carried their Proportion thereof to their joynt accot. Leaving the two Cousins to account with one, another for their shares, and at the out sett of the Samuel to Bengall Concerned them agreable to their Contract the same sum, or thereabots. in the same manner by the name of Alexander, and Stephen Orme's Books, that Alexander Orme had the whole Concern in the made the Dividends in the same manner now therefore as it appears by the said Stephen Orme's Books, that Alexander Orme had the whole Concern in the Lucitania that by this Account it Appears the produce of the Concern in the Lucitania was putt into stock of the Samuel, and that the Dividend of the said Stock was Carried to the Creditt of them joyntly thô only Alexander Orme was Concern'd and that therefore the said Dividend ought to have been Carried to the Creditt of Alexander Orme only. It will follow that these Defendants have nc monys in their hands belonging to Stephen Orme, and therefore having been wrongfully summoned and putt to Expence, Prays to be hence Dismissed with their reasonable Cost, and Charges wrongfully sustained.

Between John Lauder &ca. Creditors of Stephen Orme Decd.
Compts.

and

Messrs. George Torriano, and Samuel Parks (Attorneys of Nathaniel Elwick Esqr. Defendants.

Day is given unto the Compts. untill the next Court day to Reply.

AT A COURT HELD AT THE TOWN HALL ON FRYDAY THE 29. DECR. 1727.

Present

JOHN POWNEY ESQR. *Mayor.*

FRANCIS ROUS
THOMAS WESTON
PAUL FOXLEY, AND
THOMAS NORMAN,
Aldermen.

Petition of John Lauder &ca. Creditors of Stephen Orme, Exhibited, and read a 4th. time. Answer read a 2d. time.

The replication of John Lauder of Fort St. George Complainant to the answer of George Torriano, and Samuel Parks Defendants, Exhibited read, and Filed, that the said replyant saving to himself all advantages to the insufficiencys &ca. in the Defendants answer say, that the same is in many particulars evasive Imperfect, and insufficient, and he further says that it does Appear by Stephen Ormes Journall now in this Court that Alexander Orme is and ought to be Accountable to the Decd. Stephen Orme's Estate for the Goods left with him to be disposed of amountg. to Rupees 5125. 4. 2 for he Conceives it (and so he hopes this Honble Court will) to be but Exactly Consonant with reason that a Factor is accountable for Goods Left with, or Consign'd to him and when sold for the produce of them, and he further says tha [*sic*] That part of the Defendants answer wherein they say, and although the Late Worshipl. Court did order their Register to write to the said Alexander Orme demanding an accot. of the proportion which Stephen Orme held in the Samuel, yet it doth not Appear that they ever Demanded any other Accot. from him, and therefore his not having given any account of the said Goods left with him is no Contempt of the Court, or dilatoriness of the sd. Alexander Orme since his having Answered what was demanded of him, is a good argument to prove he would have answered any thing more if it had been asked of him is altogether fabulous and untrue, and framed as this Replyant believes on porpose [*sic*] to detain the money now in their hands, and to Skreen [*sic*] Alexander Orme from the just Demands this Honble Court has on him for the goods left with him by the Decd. Stephen Orme to be disposed of, for that it appears to this Replyant that the Late Worshipl. Court haye frequently Demanded from the said Alexander Orme all the money Goods, and Effects belonging to ye. Deceased Stephen Orme, as well as all the Books, Papers, and Accots. which might any ways Concern his Estate, but hitherto without any Effect, and for proof hereof this replyant begs Leave to Incert three Letters wrote by the Late Worshipl. Court to Alexander Orme on this subject the Mayors Court having taken Charge of the Estate, and Effects of Mr. Stephen Orme Decd. sometime since wrote a Letter Demanding all the Effects that were in your hands at the time of his Decease they were Informed the answer you sent were Lost by the Peon that was to bring it, which occasions our giving you this second trouble requesting you will give us an account of all the Effects belonging to the said Estate and to remitt us the produce of what you have sold by Bill of Exchange and what Goods may remain, that may sell better at this Place you'l Please to send them hither by the first Conveyance Consigned to the Mayors Court on account, and risque of the Estate of Mr. Stephen Orme Decd., and wee further request you to forward to us all Books Accounts and Papers thay [*sic*] any ways Concern the said Estate.

Mr. Richard Higginson having wrote you a Letter of the 2d. of January Last Copy of which comes herewith, and Pattamar having Lately arriv'd from Anjengo without answer thereto, I am oblige to trouble you again on the same subject by desiring you would Comply with the Contents of that Letter for the Creditors of Mr. Stephen Orme have frequently Complained to the Court of their being unreasonably keept [*sic*] out of their money, the Cause of which

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delay must entirely Lye at your door and as it Concerns to put a stop to their Legall Demands by remitting whatever, money, Goods, or Effects you may have of the said Stephen Orme to the Court, that the produce thereof may be divided amongst them, so you will Likewise do well in sending all such Books, Papers, or accoᵗˢ. as any ways concern his Estate which together with your speedy Answer to this and what has been formerly wrote you aboᵗ. this affair may in some measure be a sort of satisfaction to the Creditors, and in the End safe [*sic*] both you, and us any further trouble. This to Enclose Copy of my Last bearing date August the 20ᵗʰ, 1724 as Likewise triplicate of what wrote you by Mʳ. Richard Higginson the 2ᵈ. January 1723/4 to which I have received no answer nor to the others formerly wrote you, and most again trouble on the same subject by desiring you will send all the money, and Effects, Books, and Papers that any ways relates to the said Estate, the Creditors dayly making their Complaints of being unreasonably keept [sic] out of their money, you answer to this as well as to the other two, will in some measure put a stop to the many Clamours that are made. Now by the aforesaid three Letters wrote at Diferent times this Replyant Judges he had sufficient reason for charging Alexander Orme in his Bill of Complaint to this Honble Court with having been tardy in this affair for these are the words in his Petition though these Defendants in their answer are pleased to turn them into a Contempt of the Court and whither their answer does not glance that way. This Replyant Leaves to the Judgment of this Honble Court, for it does not appear that ever Alexander Orme has Comply'd with the Tenour of these Letters, and therefore how good their argument is to prove, that he would have answered anything more if it had been ask'd of him is a very unjust Conclusion, since it is evident he has never rendered any accoᵗ. of these Goods, nor returned any satisfactory answers to the Late Worshipˡ. Court; Wherefore this replyant does still insist that Alexander orme is and ought to be accountable to the Decᵈ. Stephen Orme's Estate for the Goods left with him to be disposed of amounting to Rupees 5125. 4. 2 without these Defendants can make it appear that the said good [*sic*] have already been accounted for, which with submission will be of greater service to 'em as well as to the Creditors of Stephen Orme than any frigned [*sic*] answers they Can make which this Replyant hopes is now visible to this Honble Court since it has been plainly proved that Alexander Orme has altogether neglected, and evaded coming to any account with the Decᵈ. Stephen Orme's Estate this replyant does not acknowledge that there is a mistake of 200 Rupees to the prejudice of the said Alexander Orme, and agrees with the Defendants as to the Ballance of Rupees 4822. 12. 2 being due from him to the Deceased Stephen Orme's Estate, But this Replyant Cannot agree to the deducting of Rupees 3283—6 since it does not appear that Alexander Orme has ever accounted for them, neither does he know any reason why the 1482. 3. 8 should be struck out of of [*sic*] the Account, since it is Evident from the Ledger belonging to this Honble Court, that the Dividend which these Defendants say in their answer was paid to Mʳ. Mandewill's Attorneys out of the Estate of the said Alexandʳ. Orme was paid out of the money then Lying in the Late Worshipˡ. the Mayors Court belonging to Alexander, and Stephen Orme of which money there has never any Proportion been brought to the Creditt of Stephen Orme's Account. This Replyant beggs Leave further to observe that, that part of yᵉ. Defendants answer wherein they say that it is very unreasonable to Charges Alexander Orme with the Debt due from Stephen Law, and John Erasmus, is equally evasive, and untrue with the rest of their Answer for that this Replyant in his Bill of Complaint to this Honble Court, has only represented, that there were such Debts due to Stephen Orme's Estate, and that there might be a probability of their having been received by Alexander Orme in which case it would be, but just, and reasonable that he should accoᵗ. for them if he received them, and here is a fresh instance of Alexander Orme having been tardy, be causee he has never as yet as this replyant knows of, declared to this Honble Court wither he has received them or not This replyant comes now to that part of the Defendants

answer wherein they state the Accot. between Mr. Alexander, and Stephen Orme & says, that as the Arguments upon which they ground their accot. are very imperfect uncertain, and untrue, it will Consequently follow, that their Accot. must be so Likewise, which this Replyant proves by the first part of their own answer wherein they say, that they do not know what, or what manner of accounts may be depending between Alexander Orme, and Stephen Orme, but they [*sic*] they do believe there may Possibly be Demands from the one to the other, from whence this Replyant Conceives that the accot. as stated by them is only Imaginary and fictitious. Whereas the accot. as stated in the Bill of Complaint is Genuine, and Real, as it stands in the Decd. Stephen Ormes Journall Excepting in the Article of 200 Rupees with which Alexander Orme is overcharged by a Mistake, so that this Replyant must now Leave it to this Honble Court to determine weither [*sic*] a true & Just account ought not to have the preference to an Imaginary, and fictitious one, drawn up by these Defendants according to their own Imaginations and suppositions, which this Replyant hopes will be found by this Honble Court to Carry nothing of weight, or truth with them, This Replyant proceeds now to that part of the Defendts. answer wherein they undertake to prove that Stephen Orme was not concerned in the ship Samuel, and says, that by the Divid. Paper of that ships Stock which is signed by Nathniel Elwick Late of this Place, and by the severall Owners when they receiv'd their Dividends (which Dividend Paper this Replyant is now ready to Lay before this Honble Court) it does appear to him that Alexander, and Stephen Orme were Joyntly Concerned in the stock, and block of ship Samuel, and he hopes it will plainly Appear to this Honble Court after they have Examined the said Dividend Paper, wherein they may be pleased to observe that Richard Higginson the then Register of the Late Worshipl. Court signs the said Dividend Paper, and receives into the Cash of this Honble Court the sum of Pags. 866. 7. 2 and Rupees 671. 11. 3 being the joynt Proportion of what became due to Alexander, and Stephen Orme on that Dividend and this Replyant apprehends the reason why the Late Worshipl. Mayors Court received this money was but in consequence of their being Administrators to the Deceased Stephen Orme, and as Alexander Orme was at that time, and now is Considerably indebted to the Decd. Stephen Orme's Estate this Replyant Conceives that might be the reason why they recd. Alexander Ormes' proportion as it was a Joint concern between him, and Stephen, that thereby the said Alexander Orme's Debt to ye. Decd. Stephen Orme might be secured, and made forth coming to his Creditors, This then being the state of the Case between Alexander and Stephen Orme where upon that money was paid into the Late Worshipl. Mayors Court, who no doubt had a right to receive it as being administrators to the Decd. Stephen Orme it will therefore follow that the same right is still inherent to this Honble Court for receiving the other two dividends now in the hands of these Defendants, and therefore supposing as they do for they have offered nothing to prove that Stephen Orme hath transferred his Concern in the Samuel to Alexander Orme yet it is not not [*sic*] cannot be proved that ever Alexander Orme has accounted for the Goods left with him by Stephen Orme to be disposed of, and therefore this replyant humbly hopes this Honble Court, will take Effectuall means for the securing of that Debt with which Alexander Orme is very justly Chargeable since as yet he has rendered no Accot. of the said Goods, nor of the other moneys which it is probable he may have recd. and further this replyant says that he hopes this Honble Court as administrators to Stephen Orme and Injustice to his severall Creditors who have already been Large sufferers will before they admitt of the transferr of ye. Samuel Stock to Alexander Orme as mentioned by these Defendants order the same to be strictly Examined into in order to which this replyant humbly Conceives, that the said Alexandr. Orme Ought to be obliged to produce to this Honble Court a state of his Accot. with the Decd. Stephen Orme upon Oath, Because this replyant apprehends it has already been made fully appear to this Honble Court how unjustly the said Alexander Orme has dealt by the said Stephen

Orme, and this Honble Court in not rendering an Accot. of the Goods left with him to be disposed of, from whence this Honble Court may Learn, how much Creditt may be given to any of the said Alexander Orme's accounts, and these Defendants do allow in their answer that they Cannot rely, on their memories for the truth of wt. they now urge, this replyant thinks that this part of their answer is of a piece with the rest, and only artfull, and evasive since they do by their answer Acknowledge that Messrs. Ormes not having left any particular account of their proportions of the ships stock, Mr. Elwick made the Dividend, and Carried their Proportions thereof to their Joynt Accot. Leaving the two Cousins to accot. with one another for their shares and all the out sett of the Samuel to Bengall concerned them agreable to their Contract the same sum, or thereabots. in the same manner by the name of Alexander, and Stephen Orme. and consequently made the divids. in the same manner. From all which it is allowed, that Alexander, and Stephen were Jointly Concerned in the said ship in Case Mr. Elwick had their orders for doing so which this replyant much doubts, and therefore Prays this Honble Court, that the Contract mentioned by these Defendts. may be produced as well as Messrs. Ormes orders for concerning them in the Samuel at her out sett to Bengall, for if this replyant remembers right he believes there was a protest made by one of the Ormes abot. this affair, which he prays may be strictly Examined into, This replyant further says that without scraps of Paper, and an old rough accot. Currant neither Closed nor signed by Stephen Orme Can be Called books it does not appear that Alexander Orme had the whole Concern in the Lucitania, and that though the produce of the Concern in the Lucitania might be put into the stock of ye. Samuel it does not from thence arise that ye. whole belonging to Alexandr. Orme, or that the said Dividend ought to have been wholly Carry'd to his Creditt for that the said Alexander Orme has never as yet given any satisfactory accot. to this Honble Court Concerning this affair wth. whom this replyant thinks he cannot only accot., as being the administrators to Stephen Orme Decd., and doubts not but that this Honble Court will oblige him to do ye. same upon Oath, as also to Campell [*sic*] these Defendants to pay in ye. two Dividends into the Cash of this Honble Court in ye. same manner ye. first was pd. for their having detain'd ye. same in their hands from this Honble Court is as this Replyant believes ye. occasion of their being summoned at ye. Instance of the sd. Stephen Ormes administrators, and not of this replyant who in his Bill of Complaint only represent'd to this Honble Court the case as it stood between them and Stephen Orme's Creditors, whom this replyant Conceives are no ways Concern'd in ye. Article of Expence, or Charges in this suite, and this replyant says yt. all, and singullar ye. matter, and things in the replyants said Bill Contain'd are true as ye. same are there in alledged excepting in ye. article of 200 Rups. with wch. Alexander Orme is Charg'd by a mistake, and that ye. answer to ye. said Defendants to the said Blil is untrue imperfecfect [*sic*] &ca. to be reply'd untō.

An order of Court made the 3d. of March 1726; Read for the Attorneys of Nathaniel Elwick Esqr. to pay the Ballance of Alexander, and Stephen Orme's Accot. into Court, and that the Court do Indeminifie them on accot. of their paying the same.

Ordered that the Register do write to Stephen Law Concerning 4 Chests of Ophium Left in his hands by Stephen Orme.

Agreed that the Dividends belonging to Alexander, and Stephen Orme now in Mr. Torriano hands do still remain there, till we have advices from Mr. Alexander Orme.

APPEALED TO THE GOVERNOR & COUNCIL.

Vera Copia
JOHN STRATTON
Regr.

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